

STATE OF CALIFORNIA
COMMISSION ON
PEACE OFFICER STANDARDS AND TRAINING

POST COMMISSION
ADVISORY COMMITTEE MEETING



TIME: 2:00 p.m.
DATE: Wednesday, October 25, 2017
PLACE: Commission on Peace Officer Standards
and Training
860 Stillwater Road, Suite 100
West Sacramento, California



REPORTER'S TRANSCRIPT OF PROCEEDINGS



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A P P E A R A N C E S

POST ADVISORY COMMITTEE MEMBERS PRESENT

RANDALL WALTZ
(Advisory Committee Chair)
California Association of Police Training
Officers

SANDRA SPAGNOLI
(Advisory Committee Vice Chair)
California Peace Officers' Association

ELMO BANNING
Public Member

ARTIN BARON
California Coalition of Law Enforcement
Associations

ALEX BERNARD
Public Member

MARK BRUNET
California Highway Patrol

GREG GARNER
California Police Chiefs Association

STEVE MOORE
California State Sheriffs' Association

JAIME YOUNG
Public Safety Dispatcher Advisory Council



COMMISSION ON POST
COMMISSIONERS PRESENT
(participating commissioners)

THOMAS CHAPLIN
Chief
Walnut Creek Police Department

A P P E A R A N C E S

POST STAFF PRESENT

(participating staff)

MANUEL ALVAREZ, JR.
Executive Director
Executive Office

SCOTT LOGGINS
Assistant Executive Director
Standards and Evaluation Division

MARIA SANDOVAL
Assistant Executive Director
Administrative Services Division and
Field Services Division
Executive Office

CATHERINE BACON-DAVIS
Senior Information Systems Analyst
Learning Technology Resources Bureau

RALPH BROWN
Bureau Chief
Training Program Services Bureau

PHILIP CAPORALE
Bureau Chief
Standards, Evaluation & Research Bureau

DAVID CHENG
Analyst
Training Program Services Bureau

LARRY ELLSWORTH
Bureau Chief
Learning Technology Resources Bureau

JULIE GORWOOD
Senior Consultant
Basic Training Bureau

HEIDI HERNANDEZ
Executive Assistant
Executive Office

A P P E A R A N C E S

POST STAFF PRESENT

(participating staff)

JENNIFER IMLAY-HARDESTY
Basic Course Test Security Coordinator
Standards, Evaluation & Research Bureau

GREG KYRITSIS
Senior Consultant
Center for Leadership Development

CONNIE PAOLI
Administrative Assistant II
Executive Office

MELANI SINGLEY
Personnel Selection Consultant
Standards, Evaluation & Research Bureau

R.C. SMITH
Bureau Chief
Basic Training Bureau

SHELLEY SPILBERG
Standards & Evaluations Manager
Standards, Evaluation & Research Bureau



I N D E X

<u>Proceedings</u>	<u>Page</u>
Call to Order	7
Flag Salute	7
Moment of Silence	7
Deputy Robert Rumfelt Lake County Sheriff's Department	
Deputy Robert French Sacramento County Sheriff's Department	
Roll Call of Committee Members	7
Introductions of POST Advisory Vice Chair, Executive Director, and Assistant Executive Director	8
A. Approval of Minutes	9
Action Summary - June 21, 2017 Meeting Minutes - June 21, 2017	
B. Announcements	9
C. Review of Commission Meeting Agenda . . .	9
D. Presentations	10
Reimbursement Plan Realignment - Scott Loggins	11
Emerging Trends at the Executive Level - Catherine Bacon-Davis	29
Vehicle Pursuit Policy - Catherine Bacon-Davis	32

I N D E X

<u>Proceedings</u>	<u>Page</u>
D. Presentations <i>continued</i>	
Changes to Peace Officer Selection Standards for Interim Police Chiefs - Phil Caporale	43
<i>"Did You Know? Fentanyl Exposure Risks"</i> Larry Ellsworth	57
E. Advisory Committee Member Reports	103
F. Commissioner Comments	106
G. Old Business	108
H. New Business	109
I. Future Meeting Dates	109
Adjournment	110
Reporter's Certificate	111



POST Advisory Committee Meeting, October 25, 2017

Wednesday, October 25, 2017, 2:04 p.m.

West Sacramento, California



COMMITTEE CHAIR WALTZ: I call this meeting to order; and I'd like to welcome everybody here this afternoon. What a good-looking bunch of people.

Let's please rise and do the flag salute.

(The Pledge of Allegiance was recited.)

COMMITTEE CHAIR WALTZ: Please remain standing.

We'll have a moment of silence to honor the California Peace Officers who were killed in the line of duty since our last meeting.

Deputy Robert Rumfelt, Lake County Sheriff's Department.

Deputy Robert French, Sacramento County Sheriff's Department.

(Moment of silence.)

COMMITTEE CHAIR WALTZ: Thank you.

You may be seated.

We'll do a roll call of our members.

MS. HERNANDEZ: Banning.

MEMBER BANNING: Here.

MS. HERNANDEZ: Baron.

MEMBER BARON: Here.

MS. HERNANDEZ: Beitey.

POST Advisory Committee Meeting, October 25, 2017

1 *(No response)*

2 MS. HERNANDEZ: Bernard.

3 MEMBER BERNARD: Here.

4 MS. HERNANDEZ: Blanco.

5 *(No response)*

6 MS. HERNANDEZ: Bock.

7 *(No response)*

8 MS. HERNANDEZ: Brown.

9 *(No response)*

10 MS. HERNANDEZ: Brunet.

11 MEMBER BRUNET: Here.

12 MS. HERNANDEZ: Garner.

13 MEMBER GARNER: Here.

14 MS. HERNANDEZ: Moore.

15 MEMBER MOORE: Here.

16 MS. HERNANDEZ: Spagnoli.

17 COMMITTEE VICE CHAIR SPAGNOLI: Here.

18 MS. HERNANDEZ: Waltz.

19 COMMITTEE CHAIR WALTZ: Here.

20 MS. HERNANDEZ: Brad Young.

21 *(No response)*

22 MS. HERNANDEZ: Jaime Young.

23 MEMBER JAIME YOUNG: Here.

24 COMMITTEE CHAIR WALTZ: Thank you.

25 I'd like to introduce the Advisory Committee

POST Advisory Committee Meeting, October 25, 2017

1 Vice Chair, Sandra Spagnoli --

2 COMMITTEE VICE CHAIR SPAGNOLI: Thank you.

3 COMMITTEE CHAIR WALTZ: -- our Executive Director,
4 Manny Alvarez; and our Assistant Executive Director,
5 Scott Loggins.

6 MR. LOGGINS: Good morning -- or good afternoon.

7 COMMITTEE CHAIR WALTZ: We'll move to the approval
8 of our minutes, the action summary minutes of our
9 previous committee meeting.

10 I'll entertain a motion to approve that.

11 MEMBER BARON: Motion. Baron.

12 MEMBER BRUNET: Second. Brunet.

13 COMMITTEE CHAIR WALTZ: I have a motion and a
14 second.

15 Any objection to the approval of the minutes?

16 *(No response)*

17 COMMITTEE CHAIR WALTZ: The minutes are approved.

18 MEMBER BERNARD: Abstention. Bernard.

19 COMMITTEE CHAIR WALTZ: Abstention by Bernard.

20 Thank you.

21 Any announcements?

22 *(No response)*

23 COMMITTEE CHAIR WALTZ: Okay, let's go to the review
24 of our Commission meeting agenda.

25 MR. LOGGINS: Thank you, Mr. Chair. Thank you,

POST Advisory Committee Meeting, October 25, 2017

1 Madam Vice Chair, Committee Members.

2 Before we move to the list of consent and regular
3 agenda items, we will address "Emerging Trends."

4 At the Commission meeting held on October 27th of
5 2016, this commission requested POST staff establish and
6 compile an emerging issues report to be presented at
7 subsequent Commission meetings and for this board as
8 well.

9 At the conclusion of the October Commission meeting,
10 POST staff decided they would be assigning these
11 particular responsibilities to what we call our "IMPACT
12 Team."

13 Commensurate with the Commission's directions under
14 Agenda Item B.1, POST staff have developed three Emerging
15 Trends presentations for your review this afternoon; and
16 we'll present them for your review, your approval, and
17 for your general information.

18 Further, in addition to the emerging-trends
19 presentation, POST staff have prepared two additional
20 presentations from the Commission agenda that are
21 particularly noteworthy, we feel, which are identified
22 in the agenda before you.

23 Please note that these two additional agenda items
24 are from different sections in the formal Commission
25 agenda and, therefore, are slightly out of order.

1 The first presentation is on Consent Item C.12, and
2 is a report on realignment of the reimbursement plans.
3 And with your permission, I will go ahead and make that
4 particular presentation.

5 I'll start off by actually mirroring and echoing
6 some of the comments that were made at the Financial
7 Committee by my counterpart, Maria, as well as
8 Commissioner Long.

9 We're in a new era today. We are facing what we
10 call a "new normal" with respect to our finances. The
11 days of generous revenue being realized by POST appear,
12 for the time being, to have been long gone; and we're
13 now at a crossroads where we simply have to take this
14 opportunity to capitalize on what we can do by looking
15 at our finances and take better control.

16 In the Commission agenda item, we referenced quite
17 a few bulletins that quite honestly were simply kicking
18 the can down the road in an attempt to be a short-term
19 resolution for what's turned out to be a long-term
20 possibility. And as responsible stewards of the public
21 money, it's incumbent on us to take these steps.
22 Although they appear to be drastic, they are necessary
23 nevertheless to make sure we are fully accountable of all
24 the monies that we receive.

25 Unlike prior cycles in past years or even decades,

1 the current ongoing pattern has shown a steady period of
2 decline with respect to our revenues. Much of this is
3 out of the Commission's control, and which created a new
4 sense of urgency for us to take matters into our own
5 hands, and with the same reciprocal sense of urgency,
6 take a closer and a harder inside look, as Maria had
7 said, "self-police" our outgoing expenditures to make
8 sure they're in line with the incoming revenues.

9 In fiscal year 2017-18, we realized an almost
10 21 percent reduction in our funding, which now reinforces
11 the criticality of what we're facing today.

12 Even further, that exacerbates this even more, the
13 reality is, we learned from the Financial Committee is
14 in addition to that 21 percent deficit, the actual
15 revenues that we realized were substantially lower. So
16 it's substantially more than just a 21 percent deficit.

17 So our challenge for making the ends meet for a
18 cadre of almost 100,000 law-enforcement professionals in
19 the state of California, doing a lot less, with a lot --
20 or a lot more with a lot less has now become our new
21 normal, and the criticality is very strenuous on us.
22 Essentially, as I said before, the short-term resolutions
23 of kicking the can down the road can no longer be
24 sustainable. We need to find a new way to address this
25 new normal.

1 One way to address this is the plan we have in place
2 to look at our realignment of our current reimbursement
3 structure, or our reimbursement plans, to address the
4 variations in reimbursement plans from I through V.
5 We're looking at reassessing how we pay our stakeholders,
6 to ensure that those training functions that are
7 absolutely critical, they are required by law, they are
8 required by regulation, or there's other some substantive
9 mandate as deemed necessary by this commission, those
10 will come first in line to get funding.

11 All those other courses, albeit critical and
12 important, are technically just elective courses, and
13 they all have to fall off the radar, so to speak, and be
14 reimbursed either in a different manner or fall under an
15 entirely different reimbursement plan.

16 So to address this variation and to more closely
17 monitor our expenditures, we're going to be moving
18 forward with a plan to realign the majority of our plans
19 down to Plan NA, with the exception of those courses
20 that are required by legislation, required by the
21 Commission through a matter of regulation, or those that
22 are related to our legacy courses that we've deemed to
23 have some substance of mission-criticality or those that
24 are mission-essential, so to speak.

25 This realignment plan is consistent with current

1 practice, as we speak right now, where an individual
2 consultant can modify and change the reimbursement plan
3 for a various course at any given time. The only
4 difference is, we're taking an across-the-board look in
5 addressing all of the several thousand courses we have
6 in one fell swoop.

7 And as Maria referenced, this is simply similar to
8 the zero-based budgeting modicum that they use in the
9 federal budget, where you scrub things down to a
10 zero-based budget and then build upon that particular
11 ground level as revenues increase or as training needs
12 increase or if there's new legislation that brings it to
13 light.

14 By doing this, POST staff are fairly certain we'll
15 be in a better position to ensure that the most critical
16 training needs of our stakeholders, particularly those
17 men and women who are the boots on the ground, get the
18 necessary training they need, while other training --
19 albeit very important and critical as well -- will still
20 be available. But the past years of generous
21 reimbursement will no longer be sustainable to the effect
22 that we had back when we had a significant surplus.

23 Just ten years ago, I think we had about a
24 \$31 million surplus. If you fast-forward to where we are
25 today, we're in significant deficit. It's clearly not at

1 the \$31 million mark; but as Maria alluded to, it could
2 be getting close to that. So the time is now and of the
3 essence for us to step up to the plate and take a look
4 at those finances to make sure we're prudent stewards of
5 the public monies, and we triage it appropriately so that
6 people can get the necessary training.

7 Most importantly, this endeavor is simply adhering
8 to the direction that we have been given by the
9 California Legislature. When they created the POST
10 Commission back in the late fifties, they actually
11 created the Penal Code that specifies that we will
12 annually allocate monies at intervals specified by the
13 Commission in an amount determined by the Commission
14 pursuant to standards set forth at its direction.

15 Further, this very Commission created
16 Regulation 1015 that actually specifies reimbursement
17 is based upon fund availability as approved by the
18 Commission and shall be subject to available funds.

19 This realignment of process is simply an allocation
20 of reimbursement monies to ensure that we're capable of
21 providing training that is required by legislation and
22 regulation, as well as those essential disciplines that
23 we need to keep cops and men and women safe on the
24 streets, while also staying within the capacity of the
25 allocated budget that we're given by the State of

1 California.

2 Most important, it meets the requirements of the
3 Legislature and the Commission and it ensures our
4 stakeholders receive the best possible return on
5 investment for the monies that we've been entrusted with.

6 With that, I'd be more than willing to entertain any
7 questions that you may have or if you could provide me
8 with any guidance.

9 MEMBER BANNING: Mr. Director? Elmo Banning.

10 So if you move all -- so the plan is -- and I kind
11 of got distracted trying to sign onto the WiFi. I need
12 to get better glasses.

13 So the III's and IV's - POST Plan III's and IV's
14 are then going to be -- are going to be recategorized or
15 reclassified as NA's?

16 MR. LOGGINS: Correct, with the exception of those
17 that meet specified criteria, if they're required by law,
18 required by regulation, or those that POST have deemed
19 to be mission-essential; specifically things that affect,
20 like, our legacy courses, things of that effect.

21 MEMBER BANNING: If that's the case and if you go to
22 NA, for a multi-day class, is then the PAM going to
23 reflect -- or the regulation going to change as far as
24 the budget then?

25 MR. LOGGINS: The budgets will have to be modified

1 appropriately. That is correct.

2 MEMBER BANNING: But if it's an NA, then there's not
3 a budget requirement; correct?

4 MR. LOGGINS: Correct, correct.

5 MEMBER BANNING: Thank you.

6 COMMITTEE CHAIR WALTZ: Any other questions?

7 EXECUTIVE DIRECTOR ALVAREZ: May I throw something
8 out for Scott? And it's kind of a question or a comment.

9 But, Scott, isn't there something in the Penal Code
10 that also says that the reimbursement has to be
11 equitable? Please.

12 MR. LOGGINS: That's correct, Mr. Director.

13 The Penal Code also does specify that the
14 distribution of monies is supposed to be done equitably
15 throughout every agency throughout the State of
16 California.

17 EXECUTIVE DIRECTOR ALVAREZ: And the reason I bring
18 that out is because when we started talking about this a
19 few months ago, we were under the belief that we could
20 maybe reimburse agencies that are harder hit by our cuts,
21 in a different fashion, to get additional monies to them;
22 and we started looking at the Penal Code. And we don't
23 know how much wiggle room we're actually going to have to
24 be able to do that.

25 So I think our belief is that the small- to

1 medium-sized agencies have been impacted more so than the
2 larger agencies by these budget cuts. And we thought we
3 could maybe come up with a way to get more money to them,
4 so...

5 MEMBER BANNING: Elmo Banning. Another question
6 then.

7 What kind of feedback has the Commission received
8 from -- well, I mean, from our friend from Cal Chiefs
9 and Cal Sheriffs on the suspension? I mean, it's been
10 in limbo now for -- how long have we suspended
11 reimbursements?

12 MR. LOGGINS: We've been dealing with this for
13 approximately five years. We had a short-term, where we
14 kicked back some reimbursement when we got an allocation
15 of monies from the State. But, yes, we've been doing the
16 temporary measure for going on the better part of five
17 years.

18 MEMBER BANNING: Okay, so five years now. I won't
19 really see that as a temporary measure. I mean, it's
20 just kind of kicking the can down the road, like you said
21 earlier.

22 So what kind of information -- I mean, has it
23 impacted -- and maybe my fellow Committee members could
24 help. What do we get -- from your organizations, is it
25 really, really impacting that much?

1 I know so many of them are configured that the
2 training reimbursement money may go back to their general
3 fund, be it for the county or for the city. It doesn't
4 actually go back to the department or agency that
5 actually spent it. I mean, of course, that's an internal
6 deal -- almost really the preference of the county or the
7 city or the municipality.

8 But have you got a lot of feedback from that? I
9 mean, does not being able to --

10 MR. LOGGINS: We have.

11 My counterpart, Maria, and the Executive Director
12 and I have been all throughout the state, for lack of a
13 better term, we call it the handshake tour.

14 MEMBER BANNING: Right.

15 MR. LOGGINS: And we talked to numerous
16 stakeholders, from agencies with 30 officers to agencies
17 with several thousand.

18 And the common theme is, they understand the
19 predicament we're in. The other common theme is, they
20 want their cops to get the training that is required by
21 law -- the perishable skills, the continuous professional
22 training, the supervisory courses, those that are
23 mandated, they want those to come first. And they're
24 mindful of the fact that a lot of these courses that
25 we're reducing the generous reimbursement level, those

1 are all fabulous courses. There's no question about
2 that. Otherwise, we would not have certified them. But
3 they do want those that are required to come first.

4 And the other main premise -- actually, there's
5 three common themes -- is they want the boots on the
6 ground to get the training, because they're the kids --
7 the folks on the front lines.

8 EXECUTIVE DIRECTOR ALVAREZ: I can also add that
9 with one -- I won't name the department -- but a fairly
10 large police department, the chief called me and
11 explained that we owed them -- owed the city \$200,000 for
12 one fiscal year and \$200,000 for the subsequent fiscal
13 year in reimbursement monies; and where was the money.
14 And, of course, we just don't have it right now to pay
15 them back.

16 But the way it's described to me is, yes, the money
17 goes back to the city; but those cities are holding those
18 departments accountable in the next-year budget cycle,
19 and they're cutting their training budgets or their
20 monies that are coming to them. So they're losing
21 leverage to get training monies when we don't reimburse.

22 MEMBER BANNING: The check's in the mail.

23 EXECUTIVE DIRECTOR ALVAREZ: Check's in the mail.

24 MEMBER MOORE: If I may. Yes, over the past five
25 years, it's been somewhat temporary. But part of that

1 temporary has always been that the funding would be
2 restored. And it was accepted, pretty much generally,
3 that that funding restoration would be short in coming,
4 so it wouldn't be a long period of time. So most of us
5 bit the bullet and kind of went with it and everything
6 else.

7 In my county, my budget for POST training that
8 appears as a line item, is based upon the previous year's
9 reimbursement. So as the reimbursement falls, then so
10 does my budget fall. And then I only have X-number
11 of dollars to be able to work with ahead of time to then
12 go get the reimbursement to replace that money.

13 And, yes, it goes back in the general fund; but then
14 that money is reallocated each budget year with that.
15 So with that shortfall continuing to go, and if we are
16 now going to make this permanent, in looking at another
17 recommendation or two, might be some type of -- while
18 we all want to keep the training and while we all want
19 to continue to maintain it, maybe some number reduction
20 as to when we get, quote, unquote, in trouble for not
21 meeting a certain number would be in order.

22 I'm sure everybody wants to keep the mandated
23 courses for, you know, supervisory management and all the
24 other things. But if it comes down to not being able to
25 do those, and yet still having to get the 24 hours for

1 line staff, I would rather see a reduction in some of
2 those to be able to make the minimums on the other side
3 as a possible alternative if push comes to absolute
4 shove. I mean, I would still want -- in my agency, we'll
5 still try to do everything we can. We would probably
6 utilize the training portal more than we have in the
7 past. But for those other things that we can do to try
8 to make that better on our end, keep those costs down on
9 that issue. But ultimately, it may require, for some
10 agencies, some kind of, shall we say, consideration on
11 the total number of trainings per year or every two
12 years.

13 MEMBER GARNER: Just a quick comment from Cal
14 Chiefs.

15 Director Alvarez, you and Assistant Director Loggins
16 basically expressed the sentiment of Cal Chiefs.
17 Obviously, their biggest concern is making sure that
18 mandatory training and things that we have to do get
19 covered. But more importantly, the point that you made,
20 Director Alvarez, there is a large disparity in impact
21 in terms of small agencies and medium agencies. Larger
22 agencies obviously have the ability to absorb some of
23 those shortfalls much more than small agencies do. And
24 I can speak for that, personally, having worked in a
25 large agency and now a much smaller agency. So that's a

1 huge concern for Cal Chiefs moving forward, especially as
2 it relates to small- and medium-sized departments.

3 Thank you.

4 MR. LOGGINS: If I may, this decision was made with
5 careful thought and consideration. In a perfect world,
6 our goal is to fund every possible modicum of training.
7 So I mean, there is a direct correlation or a manner of
8 causation between how much training somebody gets and
9 their ultimate performance.

10 The conundrum we have is trying to make our ends
11 meet. And as Director Alvarez said, when we have
12 agencies that still have outstanding debt and they're
13 depending on us, it's incumbent on us to at least get a
14 better grasp of our finances, so that we can ensure the
15 distribution of future funding is done in a more
16 thoughtful and scientific way.

17 EXECUTIVE DIRECTOR ALVAREZ: Obviously, we're open
18 to suggestions. Appreciate the comments.

19 Even internally, we have our own different opinions
20 as to how best to tackle this issue. We definitely want
21 to continue full reimbursement for the mandatory -- the
22 legislatively mandated, POST mandated training. We are
23 looking at our POST legacy courses. Is there fat in
24 there that we can cut, so that we can make sure that we
25 can pay the other bills? We're definitely open to

1 options.

2 One of the things that I've been talking about, I
3 don't know if it's a good idea or a bad idea, but I've
4 been floating it out internally, is for us to potentially
5 pay a portion of the training costs, to encourage
6 training. So the departments have some skin in the game,
7 so to speak, if they really want to get training that's
8 nice to have training or isn't mandated training, it's
9 important training, where we would reimburse a portion of
10 it but not all of it. And that's just up for discussion.

11 So I can tell you, we're having a lot of internal
12 discussion and debate about the best way to do it. But
13 right now, what we're looking at is, it's either
14 required, we're paying for it; and it's not required,
15 we're not paying for it.

16 MR. LOGGINS: We've got a lot of input from our
17 stakeholders, much of it critical. And their premise,
18 which is very well understood, is training brings
19 considerable value to law enforcement. And there is no
20 argument about it; but the issue we have is, do we have
21 the requisite funding to fund all of that training; or
22 do we need to triage it, to make sure that those at the
23 highest level, the most critical are funded first.

24 But there's no question, that the training that our
25 stakeholders put on throughout the state of California is

1 phenomenal. And the bottom line is, we need to get the
2 best possible return on that investment we make every
3 day.

4 Mr. Bernard, do you have a question?

5 MEMBER BERNARD: Yes.

6 Have you thought about other streams of revenue,
7 like general fund revenue from the Legislature? Has the
8 Legislature been approached about the problem with POST,
9 and have they shown any interest to help with the funding
10 problem?

11 MR. LOGGINS: The answer is yes. We're working hand
12 in hand with the Department of Finance.

13 My counterpart, Maria, and the Executive Director
14 are continually in contact. I think she mentioned they
15 spoke with the Department of Finance today.

16 The Department of Finance is absolutely our ally,
17 so they're in there with us. They realize that our
18 funding source is drying up, so to speak. They are
19 diligently working with us, trying to find alternate
20 funding sources, or at least try to find a way to get
21 the necessary revenue to fund cop training.

22 EXECUTIVE DIRECTOR ALVAREZ: So, generally speaking,
23 the response is, no, the general fund is not going to be
24 available as a one-time -- I don't want to say a bailout,
25 but last year, the \$16 million, plus the \$5 million

1 Procedural Justice was a one-time source of revenue for
2 us. That's been made very, very clear to us.

3 We are starting to look at some of the grants that
4 are out there -- federal grants -- to see if any of them
5 apply to us. But thus far, we haven't been able to tag
6 anything that we can put a submission in for -- or an
7 application in for; but we are looking.

8 MEMBER BERNARD: Very good.

9 MR. LOGGINS: Very well. Any more questions?
10 Guidance?

11 MEMBER BANNING: Just another comment.

12 So the more that 10th and L mandates or requires
13 certain training, because that could just fall out of
14 the sky any given day -- I mean, if you end up on the
15 wrong side of a YouTube video, it's going to be law
16 tomorrow that every -- you know, that all 90,000
17 law-enforcement officers in the state of California are
18 going to mandate this training, and forced to pay for it.
19 But it doesn't come with any funding source from the
20 people that are going to make us do that.

21 I mean, that -- I really foresee the whole issue
22 with body cameras, that has got to be -- you know, just
23 that's the 900-pound gorilla in the room. How our
24 agencies then -- that's going to be mandated if it's
25 not -- it's so close now. How are they going to come

1 through?

2 I know there's a lot of federal grants for people to
3 acquire them; but to maintain them, the batteries, the
4 storage, all of that becomes just so financially
5 cumbersome.

6 EXECUTIVE DIRECTOR ALVAREZ: Yes, fortunately, this
7 last legislative cycle with all the new laws that came
8 in, we did have a good relationship with the legislative
9 staffers, where they would ask us in advance when we'd
10 respond to them in writing, as to what the financial
11 impacts or the fiscal impacts would be to POST. And we
12 did provide them data for a number of bills that went
13 away after we provided that data. I don't know if that
14 was the reason for it. But they've been very, very good
15 about asking; and we're obviously very good about giving
16 them a response as to what it's going to cost us.

17 MEMBER BANNING: Well, it's not against the law not
18 to pay your fine anymore, essentially, because there is
19 no bite in it; correct? I mean, if a law-enforcement
20 officer stops somebody for a failure-to-pay warrant, they
21 just tell them that you have a failure-to-pay warrant and
22 walk away, essentially. I mean, that's my understanding
23 of what's been going on.

24 Is that wrong? I mean, I'm not talking -- morally,
25 it's wrong, but is it legally? I mean, is that what's

1 happening now? So, I mean, are fines and funds -- I
2 mean, that fund is --

3 EXECUTIVE DIRECTOR ALVAREZ: I would defer to the
4 chiefs and the sheriffs in the room, because that's up to
5 them --

6 MR. LOGGINS: Yes, we're not in a position to
7 address that issue. That's a greater issue than we're in
8 a position to address.

9 MEMBER BANNING: But I mean, you see the results
10 of it, though, as far as the funding. The penalty
11 assessment -- the penalties, that fund is -- I just
12 caught a bit of it as I walked in; but, I mean, that's
13 drying up faster than --

14 MR. LOGGINS: Correct.

15 MEMBER MOORE: Although the majority of that is
16 drying up, not so much from the activity of law
17 enforcement, whether they can arrest or not; it's
18 actually starting to impact the courts.

19 If you will recall, there was some court-case
20 decisions where the allegation was that the amount of
21 the penalty assessments were way outweighing what the
22 actual fine for the offense was. Best case in point,
23 if you get a ticket for driving -- you know, prior to
24 the new law, if you got a citation for talking on your
25 cell phone, the first violation was, like, \$50, \$60. But

1 by the time you got done paying for it, it was almost
2 \$500 when you get all the penalty assessments added to
3 it, the court fees, the processing fee. And then if you
4 decided to go to traffic school, well, that caused people
5 not be to be able to get their licenses taken care of,
6 they had other things going on, which then created
7 additional problems for people driving 14601, being
8 arrested for 14601, going to jail, losing their job,
9 which exasperated a big cycle, and the ACLU kind of
10 jumped in on that.

11 And since that decision -- and at least in my
12 county, I've seen the courts really back down on
13 penalties.

14 MR. LOGGINS: Thank you.

15 Any other comments, suggestions, guidance?

16 *(No response)*

17 MR. LOGGINS: Mr. Chair, can we move forward?

18 COMMITTEE CHAIR WALTZ: Please do.

19 MR. LOGGINS: Very well.

20 The next presentation is on Emerging Trends at the
21 Executive Level, Investigating/Mitigating Progressive and
22 Critical Trends, provided by Catherine Bacon, who is a
23 member of the IMPACT Team here at POST, and is
24 a systems analyst for the Learning Technology Resources
25 Bureau.

1 Catherine?

2 MS. BACON-DAVIS: Good afternoon.

3 Scott did not know what I was going to report on
4 for my findings, in talking to the California Sheriffs'
5 Association and California Chiefs, but it is quite
6 topical. Because out of my conversations, in addition
7 to, you know, discussing their concerns with emerging
8 trends in recruiting, retaining, succession planning,
9 what came up for them was the role of POST and their
10 concerns with POST's funding and existence and ability
11 to provide support to the field.

12 So I spoke with Chief Eric Nuñez, Los Alamitos PD
13 for California Police Chiefs Association, and Cory
14 Salzillo, Legislative Director for Cal Sheriffs.

15 And Mr. Salzillo's perspective was directed more
16 toward what's coming through in the Legislature. I think
17 he mentioned mandates that come through and that they're
18 very mindful of unfunded mandates that might come through
19 that not only impact training needs -- you know, so now
20 we have to have this training -- but also resources. For
21 instance, resources responsible for processing Public
22 Information Act requests, resources if they are mandated
23 to post the personnel selection information. So their
24 concern is staffing and keeping their eye on legislation
25 that could result in something that would be a cost to

1 the agency.

2 Both did mention POST as being a very important part
3 of them meeting their needs in this climate and with some
4 of the mandates that are coming through, even providing
5 that level of accountability and that support to them, so
6 that they can improve.

7 The Police Chiefs Association, they do have a
8 futuring group led by Captain John Burks of Brea. They
9 are similar to Command College. They look five to seven
10 years out into the future. And an evidenced-based police
11 working group. And then as well as a group that is
12 looking into strategies for formulating the message for
13 general public regarding law enforcement, and what we're
14 accomplishing.

15 As I mentioned, recruitment and retention and
16 succession planning are top of mind because apparently
17 they're not passing background; and some of the other
18 evaluations were not -- are presenting a problem. Just
19 having a pool to recruit from.

20 Another concern was lateral transfers into perceived
21 better agencies. Bigger agencies, more attractive
22 positions. So those are all things on the staffing and
23 succession level that they're looking at.

24 So that is my summary report.

25 MR. LOGGINS: Any questions from the Committee

1 members?

2 (No response)

3 MR. LOGGINS: Very well.

4 I'm going to ask Ms. Bacon to stay at the
5 seat/podium.

6 MS. BACON-DAVIS: Thank you.

7 MR. LOGGINS: She's going to now provide a
8 presentation on POST Vehicle Pursuit Policy.

9 MS. BACON-DAVIS: Yes, very excited to show you
10 this. I think last time I was here, I showed you our
11 first-aid course.

12 This one, this course we've just released this
13 September, and it's quite innovative. It's something
14 very new for POST. But before I get started, just who
15 is familiar with the training mandate for annual vehicle
16 pursuit policy training?

17 If you're not, agencies must provide training on
18 vehicle-pursuit policies -- their vehicle-pursuit policy
19 annually. Are you -- so the officers must receive the
20 training, receive a copy of the policy, and sign an
21 attestation form that is retained by the agency.

22 So on the portal, we offer several courses that meet
23 mandates. But historically, we've chosen the topics
24 based on -- we serve the entire state; and so we've, by
25 necessity, chosen topics that lent themselves to more

1 generic feedback with the disclaimer that your local
2 agency policy takes effect.

3 When we first considered this project for the
4 portal, we wondered if it would be a good candidate
5 because this is specifically about an agency's policy,
6 whether it's San José PD or San Mateo Sheriff, you know,
7 everybody might have some differences.

8 So when we first thought about it, we thought:
9 Well, we can't really do that here. But then we took
10 some further analysis of the Learning Portal learning
11 management system and the technology that we had at our
12 disposal, and we said, "You know, I think we can do
13 something. Let's see what we can do."

14 And it's been a while coming. We worked with
15 several subject-matter experts; and we assembled a team
16 of training managers to advise us. And so what I'd like
17 to do now, without further ado, is just show you what we
18 came up with.

19 So as I mentioned, we're trying to figure out how
20 do we get it so that you can customize, make it about
21 your agency, so that your officers get a sense that this
22 is really about your policy.

23 So what we came up with was a two-part model. We
24 have the course, the usual course, the self-paced
25 training; and then we have a customization module, which

1 is separate and is available to designated staff at an
2 agency. This is restricted to Learning Portal
3 administrator access at an agency.

4 And pardon me while I watch it.

5 Okay, all right, so the customization module, it
6 takes the form of a questionnaire. A designated person
7 at the agency can go in. So you see, this is Commission
8 on POST's. This is for demonstration only. We do not
9 have a vehicle pursuit policy. But...

10 Well, you never know. Talk about mandates.

11 So as they come in, they can upload a PDF of their
12 policy.

13 I'll show you here, this is an example.

14 So I've already uploaded, and I think I've used,
15 yes, River City -- there they are -- River City Police
16 Department.

17 So that you can upload that policy. And then you
18 proceed through the questionnaire, answering questions
19 about your agency's policy.

20 Let me show you an example.

21 Let's see, I think I want -- it's very difficult to
22 see this.

23 As I go through, I'm going to consult my policy, and
24 I'm going to make selections here.

25 These default selections all come from a study we

1 did of policies throughout the state. These were the
2 most common occurrences.

3 We also leave an option for "it's not specified."

4 Let's see. Okay, there we go. So as you can see,
5 there's quite a bit of variety. We've put in options to
6 show and hide.

7 So, for instance, in my policy, it says, "2 units
8 plus a supervisor." Well, that could also be interpreted
9 as 3 units; right? So I want to turn that off, I don't
10 want you guys to see it.

11 I can type in an answer. If none of these options
12 work for me, I can type in my own answer. And then I can
13 also copy and paste from my policy excerpts related to
14 this particular question. So if there is a part of my
15 policy I need my officers to focus on, I can put it in
16 here.

17 So let's go ahead and preview this answer.

18 *[Program Narrator: Most agencies'*
19 *policies specify the number of units permitted*
20 *to participate in a vehicle pursuit. Assuming*
21 *that more units can be authorized if needed,*
22 *what is the number of units permitted by your*
23 *agency's policy?"]*

24 MS. BACON-DAVIS: All right, and so I go ahead and
25 answer the question.

1 And so I get, "Yes, that's correct."

2 And that preview lets me see what it will look like
3 in the course for my officers. Because there's not
4 necessarily a one-to-one match between the way the
5 question is asked, "What does your policy say about
6 this?" We put the officers in a scenario. So we're
7 giving them some background: "You see, this person has
8 done this thing, and you entered the intersection without
9 your lights and sirens, and there's action. What -- are
10 you liable?"

11 So we can set them up in a scenario; but then they
12 need to make a decision that's -- you know, if I'm asking
13 about number of units, we've set them up to say, "There
14 are two units already involved. Can you join under your
15 policy?" and things like that.

16 So this is -- so I can take from my policy, I can
17 copy and paste into -- no, that's later -- copy and paste
18 into the area.

19 And this is just for demonstration's sake.

20 And then when I go to preview my answer.

21 *[Program narrator: Most agency policies*
22 *specify the number of units permitted to*
23 *participate in a vehicle pursuit. Assuming*
24 *that more units can be authorized if needed,*
25 *what is the number of units permitted by your*

1 *agency's policy?"]*

2 MS. BACON-DAVIS: And so I have inserted some
3 information from my policy, so the officer can then look
4 it up.

5 So this is what the officer is going to see. This
6 is how they're going to see it in the course.

7 We can also -- we've given them the ability -- the
8 training managers the ability to add their own questions.
9 In case -- the questions in the questionnaire cover all
10 15 of the pursuit-policy guidelines outlined in the
11 guidelines POST published; but if there's something they
12 need, then they can add their own.

13 For instance, National City PD, they added questions
14 about cross-border pursuits, so they were able to use it
15 that way.

16 You can also upload images. If you need your
17 officers, again, to focus on something specific to your
18 agency, you can use this "Add Question" to further tailor
19 it to what you need.

20 Okay, so I just want to go over some of the
21 features. And these came out of a lot of working and
22 talking with subject-matter experts, as well as training
23 managers and officers who would go through our
24 prototypes, and were very helpful to us. And several
25 agencies -- too long for me to list, they're listed on

1 the credits in the course -- participated in this.

2 So what we've come up with in the customization
3 module, as I mentioned, is restricted access to Learning
4 Portal administrators. It's not open to everybody. It
5 will keep track of when and who made the last change.
6 So if multiple people at an agency have access, I can
7 see if my counterpart has made a change. And I can go
8 see what that change was, and either change it back
9 because they shouldn't have done that, or I can make sure
10 it's the most current one.

11 I can also check my archives. So if it's 2019, and
12 I have been asked to show what did we have in 2017 as our
13 policy selections, I can go in and view or print those.
14 That's just, you know, for record-keeping. Okay.

15 And, of course, it's not going to work because this
16 is a demonstration, so...

17 But anyway, so this allows them to just keep track
18 of where it's been, and how it's been changed.

19 You can change, upload, and publish this anytime.
20 So if your policy changes mid-year, you know, you don't
21 have to wait for the annual. You can just do it anytime
22 you want.

23 And then you can -- ah, the course includes a
24 generic SB 719 attestation form. We talked to the
25 training managers. A lot of them wanted to retain

1 control over the signature and collecting that. But for
2 agencies who don't have their own attestation, we provide
3 a generic one.

4 The officers, well, they get, you know, access 24/7.
5 It's self-paced. It saves their progress. They get
6 two CPT credits. But what we were really going for with
7 this is, a lot of mandated training can be check-box
8 training. We wanted to get to the spirit of this. So,
9 in the course, the officers can open the PDF of the
10 policy. They can consult it if they need to answer the
11 questions.

12 And what that result comes out to is the true
13 understanding of their policy rather than just, "Here's
14 a PDF, and consider yourself trained." So that's what
15 we're really proud of.

16 We've gotten a lot of encouraging feedback from the
17 training managers because we've provided something that
18 has helped them make their job easier, keeping up with
19 this mandate and staying in compliance.

20 Since the course launched in September, 125 training
21 managers have accessed the customization module; 3,000
22 officers have started the course; and about 1,285 have
23 completed or passed the course. And that represents
24 41 agencies.

25 For something a little less than two months, that's

1 pretty encouraging to us. We're very excited.

2 And then some of the feedback we've received is:

3 *"The mingling of our policy with the training was*
4 *very useful."*

5 *"Great job integrating our actual policy into the*
6 *course."*

7 *"Great course overall. Yay, yay, yay."*

8 So we had a lot of fun with this project. It was
9 certainly challenging. It was. And it has taken a
10 while. But we -- in LTR, we look forward to those kinds
11 of challenges. This was technical and instructionally
12 challenging. It's a mandate; and, you know, we needed
13 to be very mindful of the meaning for it. And we're
14 looking forward to doing additional -- in furthering this
15 technology on the portal to help agencies in other ways.
16 We're excited to see how that's going to turn out.

17 So thank you for your time.

18 Does anybody have any questions about this?

19 *(No response)*

20 MR. LOGGINS: Very well.

21 COMMITTEE CHAIR WALTZ: Just a comment.

22 MS. BACON-DAVIS: Yes.

23 COMMITTEE CHAIR WALTZ: Thank you for giving this
24 presentation.

25 This is something that's going to be very welcome in

1 my agency, which is an atypical law-enforcement agency.
2 As a district attorney office investigator, we are
3 required to have a pursuit policy and we're required to
4 have training on it; and it's much different than
5 somebody with marked units. And so this is going to be
6 much more relevant, much more welcome than reading the
7 policy, having a brief discussion, and signing a form.

8 MS. BACON-DAVIS: Thank you.

9 MEMBER GARNER: Just one quick question.

10 MS. BACON-DAVIS: Yes.

11 MEMBER GARNER: You said about 125 training managers
12 have tested so far on that form?

13 MS. BACON-DAVIS: Yes.

14 MEMBER GARNER: Have you gotten any feedback from
15 any of those that have used it so far?

16 MS. BACON-DAVIS: Yes. I've gotten -- the feedback
17 is generally, "Thank you for doing this. Because I was
18 able to go through and do the questionnaire, and now my
19 officers are taking it." I mean, it's been very --

20 MEMBER GARNER: No obstacles identified or anything?

21 MS. BACON-DAVIS: Well, we have -- oh, actually,
22 we did. Yes. So we have done -- we did a couple of
23 prereleases and we did some soft releases.

24 One of the things we were concerned about is
25 everything we're giving you -- the orientation and the

1 signaling on the screen and the way it's designed -- is
2 that enough, or do you need more to just jump in and use
3 it?

4 So we did test it.

5 MEMBER GARNER: So you did a preview before?

6 MS. BACON-DAVIS: We did. Yes, yes.

7 MEMBER GARNER: Oh, okay.

8 MS. BACON-DAVIS: And we did get feedback from that.

9 We've also know gotten some feedback about
10 additional features. We kind of anticipated this,
11 working for version 2.0, if you will. Now that it's out
12 to the whole field, we've gotten some requests for
13 enhancements to this. For instance, someone wanted to be
14 able to just print the questionnaire blank, and possibly
15 distribute it among people at the agency for them to fill
16 in.

17 Another one wanted to do that, so they could hand it
18 to their attorney and have them look at it without having
19 to log in.

20 So we've gotten some really good ideas about
21 practical uses and then what we can do to improve it over
22 time.

23 MEMBER GARNER: I can tell you at least one training
24 manager -- mine -- who got this assignment last week, is
25 going to be thrilled to hear about this.

POST Advisory Committee Meeting, October 25, 2017

1 MS. BACON-DAVIS: Okay, good.

2 COMMITTEE VICE CHAIR SPAGNOLI: So sure about that.

3 MEMBER GARNER: Yes.

4 MS. BACON-DAVIS: We've heard that a lot, yes, yes.

5 MEMBER GARNER: Basically, it was his responsibility
6 to do what you've already done. And now, I can point to
7 this; and say it's already been done. So that's going
8 to be tremendous.

9 MS. BACON-DAVIS: There you go.

10 MEMBER GARNER: Thank you.

11 MS. BACON-DAVIS: Yes. You're welcome.

12 MEMBER GARNER: Great work.

13 MR. LOGGINS: Very well.

14 Thank you, Catherine.

15 MS. BACON-DAVIS: Thank you very much.

16 MR. LOGGINS: The next requested report is regular
17 agenda Item I, as in "Ida," which POST staff have
18 identified as noteworthy for review.

19 This is a report on proposed changes to Regulation
20 1953, which is Peace Officer Selection and Standards for
21 Interim Police Chiefs. And it will be presented by
22 Bureau Chief Phil Caporale of the Standards Evaluation
23 and Research Bureau.

24 MR. CAPORALE: Good afternoon, Mr. Chair, Madam Vice
25 Chair, and Members of the Advisory Committee.

1 The issue being brought before you this afternoon
2 is to discuss an addendum to the existing regulation
3 specifically dealing with interim police chiefs and
4 background investigations.

5 As you're well aware, the current regulations
6 require a full background for any interim police chief
7 that wants to gain employment, even for a very brief
8 time, typically three to six months. The conundrum is
9 that the hiring authorities would like to get these
10 interim chiefs in place quickly while they continue their
11 search for a more permanent solution. So what's
12 happening currently is that the chief goes to work at
13 Agency A, works for three months, has a full background,
14 wants to apply to Agency B. Now, the Agency B has to
15 conduct a full background, which can take two to four
16 months. And in the meantime, they don't have a chief to
17 take care of the agency, so this regulation change is to
18 address that gap, if you will.

19 The construct of it is to ensure, first of all, that
20 we still maintain good, strong background investigations
21 for interim police chiefs, just as we do for permanent
22 police chiefs. However, it does give the hiring
23 authority some flexibility in terms of how they proceed
24 with that background. In other words, there are some
25 specific criteria that are outlined in your packet there

1 that talk about, for example, the interim police chief
2 must have served within the past 24 months; they must
3 have had a full background conducted within the prior
4 five years. And the hiring authority for the secondary
5 agency still has the flexibility to conduct a full
6 background, but they may conduct a modified background.
7 In other words, a background of the time frame from the
8 completion of the last full background.

9 It also requires that the hiring authority have
10 access to the initial background investigation. So,
11 if you will, it would be like a supplement to a crime
12 report. They'd have the original background; and then
13 the hiring authority would have the flexibility to say,
14 "We subscribe to the initial background, and then the
15 thoroughness of that investigation, so we're going to
16 conduct a background from the end of that background, to
17 the current time."

18 And that's essentially the essence of the proposed
19 regulatory change. It would be an actual addition to
20 1953; and it only applies to interim police chiefs.

21 MR. LOGGINS: Very well. Thank you.

22 MR. CAPORALE: Yes, Madam Vice Chair?

23 COMMITTEE VICE CHAIR SPAGNOLI: Did you call me
24 first?

25 MR. LOGGINS: I was pointing at you. You're in

1 charge.

2 COMMITTEE VICE CHAIR SPAGNOLI: Okay. So I think
3 I have a comment and a question.

4 So understanding the thoughts behind the selection
5 process, I think that POST has set a very high standard
6 for peace officers, including at the highest level of
7 the organization, which I think sends a very important
8 message.

9 If you've been following around the state for many
10 years, especially when the PERS regulations changed and
11 the limited amounts that police chiefs can work, there
12 have been very creative methods by city managers and
13 police and council members to bring chiefs that may not
14 be qualified in those positions, by calling them
15 commissioners, by giving authority to somebody in the
16 agency for a piece of the agency, and maybe the mayor for
17 another piece of the police officers.

18 And I think, although I believe that there's good
19 logic behind this, I think that there should be some
20 concerns discussed as it relates to a police chief only
21 in a temporary capacity meeting different standards than
22 the people that they lead. And so I think that there
23 should be some discussion, at least, on that topic.

24 In addition, I think that there is also a medical
25 and psychological requirement for all peace officers.

1 So what wasn't --

2 MR. CAPORALE: This does not address that. This
3 is only specifically to the background-investigation
4 process. They would still have to undergo all the other
5 assessment tools. It only applies to doing the
6 backgrounds.

7 COMMITTEE VICE CHAIR SPAGNOLI: So I guess my
8 question on the thought behind it, if a brief background
9 can be done in a matter of three or four weeks, why
10 reduce the requirement at the police-chief level and
11 reduce the standard? Because I think it sends a mixed
12 message, especially in that --

13 MR. CAPORALE: I don't see it -- frankly, I don't
14 see it as a reduction. I think it's ultimately up to
15 the hiring authority and the thoroughness of the initial
16 investigation. If the hiring authority doesn't believe
17 that that initial investigation was thorough or complete
18 enough, they certainly have the option of conducting a
19 full background on their own. This is to afford the
20 flexibility so that if there is an interim police chief
21 that perhaps has served in three or four different
22 agencies in the past two years -- and I'm familiar with
23 several folks that have done that -- it would streamline
24 the hiring process for those interim chiefs who, by
25 definition, are not going to be there very long.

1 So it still requires a full background on the front
2 by the first, initial hiring agency; and subsequent
3 agencies can choose to do a modified background from when
4 that last background was done or they can opt to do a
5 full background.

6 COMMITTEE VICE CHAIR SPAGNOLI: Thank you.

7 EXECUTIVE DIRECTOR ALVAREZ: May I ask a question,
8 Phil, to clarify a point?

9 MR. CAPORALE: Sure.

10 EXECUTIVE DIRECTOR ALVAREZ: That first background,
11 at the first agency, would that background have had to
12 have been cleared by POST?

13 I think the language in the regulation is --

14 MR. CAPORALE: Yes.

15 EXECUTIVE DIRECTOR ALVAREZ: -- it must be a POST
16 agency background and POST must have reviewed that
17 background --

18 MR. CAPORALE: Yes.

19 EXECUTIVE DIRECTOR ALVAREZ: -- before the next
20 agency can adopt it.

21 MR. CAPORALE: The initial background has to be
22 fully compliant with the current POST regulations for the
23 "Agency A background," we'll call it, for lack of a
24 better term. So Agency A completes a full background.
25 That person goes to Agency B within the time frames that

1 are outlined in the proposed regulatory change. And
2 Agency B has the option to conduct a background from when
3 that first one was done; or they can ignore that and
4 conduct another full POST-compliant background. So the
5 secondary employing agency still has the responsibility
6 to maintain the initial background investigation and the
7 supplemental investigation as well. They still have that
8 requirement. So they have to retain both of those sets of
9 records for POST inspection by our Training Delivery
10 consultants.

11 EXECUTIVE DIRECTOR ALVAREZ: Thank you.

12 MR. LOGGINS: And this is not an intent to lower
13 standards; it was just an intent to address an
14 overabundance of redundancies. And your points are
15 well-taken, Madam Vice-Chair.

16 And we've brought this before Cal Chiefs, and if
17 I'm not mistaken, Mr. Alvarez -- and vetted it through
18 them. But your points are well-taken. But just to
19 underscore, that it was an attempt -- because the
20 threshold event that brought this forward is that a chief
21 who, when he is doing the interim thing, and he had a
22 good point, he goes, "I just left an agency where I was
23 backgrounded; and now this other small agency, where it's
24 a financial hardship, is looking at a several-month
25 endeavor." Because sometimes backgrounds take a while.

1 He goes, "Is there a way to streamline the process?"

2 Not eliminate it, or eliminate any -- all the modicum of
3 protection, but some way to streamline it so that he
4 could better serve that particular agency.

5 MEMBER MOORE: I have a question.

6 What would be a definition of "interim" as far as
7 time? Because you can be interim for ten years. So
8 would there be a point saying that "interim" is defined
9 as three to six months, or would it be six months to a
10 year? Or is there any time frame at all? And would a
11 municipality be able to take -- let's say I have an
12 interim police chief -- use the different guidelines, and
13 then retain that person for several years?

14 MR. CAPORALE: There is that potential of abuse.

15 EXECUTIVE DIRECTOR ALVAREZ: Yes, and I would think
16 that the background is the focal point. Was it a good
17 background, and does it stand? And the interim chief now
18 becomes the chief? Do they have to redo the background?
19 I think the whole point of it is to avoid backgrounds
20 having to be done over and over and over again.

21 What Scott brought up -- and I'll give the example
22 without naming the name of the individual -- the
23 individual retired as a deputy sheriff -- or a higher-up
24 at a sheriff's office, then became a chief of police for
25 almost ten years, and then went and became an interim

1 chief at three separate departments within a short
2 window. I think it was three to four years, he had done
3 all these interim chief positions. And as we talked to
4 him, he said, "Yes, every single department I went to,
5 I had to have a whole new background done." And why not
6 be able to allow that department the flexibility, if they
7 want to rely on the previous background, if it was a
8 righteous background, it was done in compliance with POST
9 standards, to allow them to adopt it, so they don't have
10 to go through the whole rigmarole.

11 I would assume that if somebody stays as a
12 permanent, they may want to do it again. I probably
13 would, because it is a permanent position. But I think
14 the focus is, was it a good background; not necessarily
15 how long the person is going to stay there. I mean, we
16 could place a limit on it, but --

17 MEMBER MOORE: Well, possibly the one would drive
18 the other. And if you're going to use that standard,
19 then I should be able to use it for any lateral I want
20 to hire. As long as he came from a POST-backgrounded
21 agency, I should have only to do an update, not have to
22 do a full background on that person, which would
23 definitely help me with my recruitment and my retention.

24 EXECUTIVE DIRECTOR ALVAREZ: That's how we started
25 the process, to be honest and frank, here at POST:

1 Should it apply to all peace officers and dispatchers
2 across the board, not just interim chiefs?

3 We looked at the likelihood of, you know, a
4 mid-level or an executive from one agency going to
5 another -- you know, from a captain to a captain's
6 position in another agency and the likelihood of those
7 things happening.

8 In terms of the regular peace officers and
9 dispatchers, we assumed -- we believe that if you're
10 bringing them on and they're going to be there for
11 20 years, you're probably going to want to do your own
12 background on them, right, even if it was done a year
13 before. And the likelihood of a mid-level manager and
14 executive going from one agency to another, those are
15 few and far between. It was more so the interim chiefs
16 that are bouncing around. That's kind of how we looked
17 at it. But to be honest, what you brought up, that
18 point, in this room, if I remember, we had a pretty good
19 discussion --

20 MR. CAPORALE: Yes, we did.

21 EXECUTIVE DIRECTOR ALVAREZ: -- about that
22 internally at POST; and it was split. And then we
23 started asking some chiefs and sheriffs -- or chiefs,
24 and then ultimately brought it to Cal Chiefs.

25 MEMBER MOORE: So for sake of argument, if I wanted

1 to become an interim chief of police upon completion as a
2 sheriff, I wouldn't meet any of these guidelines because
3 my background was done thirty-five years ago; is that
4 correct?

5 MR. CAPORALE: That's correct. You'd have to have a
6 full background.

7 EXECUTIVE DIRECTOR ALVAREZ: Correct.

8 MEMBER MOORE: Even though I'm running an agency
9 larger than most police agencies now.

10 MEMBER GARNER: Well, they'd question your sanity if
11 you wanted to become a police officer.

12 MEMBER MOORE: They may. I'm just putting it out
13 there, because, you know, it's a different possibility.

14 And I'll even go a little bit further and throw
15 myself out there: I've never taken a psychological exam,
16 because I'm old enough to where I was grandfathered all
17 the way across.

18 MR. CAPORALE: As was I. As was I.

19 MEMBER MOORE: And they really might find out I'm
20 crazy.

21 MEMBER GARNER: If I may make a few comments,
22 Mr. Chairman.

23 I think Scott mentioned earlier, Cal Chiefs did work
24 very closely -- hi, by the way. Good to see you again.

25 MR. CAPORALE: Hi. How are you, Chief?

1 MEMBER GARNER: Worked very closely with the group
2 that worked on this project. And Cal Chiefs strongly
3 recommends the Commission adopt these changes. And they
4 may not want me in this position after what I'm about to
5 say. But in all fairness, the points that have been made
6 are well-taken in the sense that -- and I'll use my own
7 personal experience -- the job I currently held, was
8 held by an interim chief for three and a half years
9 before I got the job. But I will tell you that I feel
10 comfortable about the fact that these changes, at least
11 during the construction of them, that this conversation
12 took place. And you've already wrestled with these
13 issues, and you've got to the point in these changes,
14 addressed all those at some point in that conversation.
15 I think that's why Cal Chiefs is strongly recommending
16 that the changes be adopted.

17 MR. CAPORALE: And I think the key point, too, that
18 you raised, was that there are specific constraints,
19 i.e., you have to have had a full background within the
20 past five years and you have to have served as an interim
21 chief within the past 24 months.

22 So in your situation, sir, you would have to get a
23 full background check. And then if you left that entity
24 and went somewhere else, then it would be the modified
25 background as an option for that secondary agency.

1 MEMBER GARNER: And I took my first psych after
2 being in the business for 35 years. I was scared to
3 death.

4 MEMBER MOORE: Understandable.

5 MEMBER GARNER: But I made it through.

6 MEMBER MOORE: There's hope for me then.

7 MEMBER GARNER: Yes.

8 COMMITTEE VICE CHAIR SPAGNOLI: I just had an
9 additional question if it's a financial issue, because
10 it sounds like that was the basis, a financial issue for
11 a small agency who couldn't afford a background. Did
12 you look at other options so that they met the same
13 standards as a normal police officer, but maybe
14 POST could provide a consultant for three weeks to do a
15 background process? You know, I think that there's other
16 alternatives to look at, rather than changing a standard,
17 which I think really sends a strong message, when you are
18 a police chief, you should meet that same standard.

19 MR. CAPORALE: And I agree with you, Madam Vice
20 Chair. But having said that, the logistics of --
21 as the Assistant Executive Director talked about, you've
22 got somebody that perhaps serves three to four months
23 over the span of a couple years, when you start doing
24 the math, of how long it takes to do a full background,
25 the employing agency is left without leadership for a

1 significant amount of time, while these full backgrounds
2 are conducted as they move from agency to agency to
3 agency. So we did put in those constraints about having
4 a full background and having previously served as an
5 interim chief.

6 So, for example, if I decided to become an interim
7 chief, I would still have to get a full background
8 because I haven't had one since the seventies. So I
9 think there's some safeguards that we try to build into
10 that, very cognizant of keeping to the standards but
11 allowing the employing agencies some flexibility.
12 Because by their very nature -- and even in that scenario
13 you described, that person would have had to have had a
14 full background because they didn't meet the criteria,
15 of no background within five years and had not been an
16 interim chief. So even in that extreme example, they
17 would have had a full background prior to that
18 employment.

19 COMMITTEE VICE CHAIR SPAGNOLI: So I'll just close
20 with one response to that.

21 MR. CAPORALE: Sure.

22 COMMITTEE VICE CHAIR SPAGNOLI: And I think it just
23 goes to the duty that a police chief has, with all due
24 respect to what Cal Chiefs says. I'm a member.

25 I came off the heels of an interim chief, and I'm

POST Advisory Committee Meeting, October 25, 2017

1 living with that person's decisions; right? So, you
2 know, I think that there's two ways to look at the
3 responsibilities and duties of an interim chief, have
4 the same responsibilities that a police chief has.

5 MR. CAPORALE: Absolutely.

6 COMMITTEE VICE CHAIR SPAGNOLI: And we should meet
7 the same, really, criteria that every chief is.

8 I know this is the easy way to do it, but I think it
9 really just waters down the position. And some people
10 think it's somebody sitting in a chair; and it's more
11 than somebody sitting in a chair. It's making policy
12 and critical decisions that really impact policing and
13 fundamentally what we do.

14 MR. CAPORALE: I appreciate your comments.

15 MR. LOGGINS: Very well.

16 I assume, Mr. Chair, you will bring the concerns
17 forward to the Commission tomorrow?

18 COMMITTEE CHAIR WALTZ: Yes.

19 MR. LOGGINS: Very well.

20 Thank you, Phil. I appreciate your time.

21 Our final presentation in this block is on our
22 newly created "*Did You Know?*" POST training video,
23 entitled "*Fentanyl Exposure Risks.*"

24 And it will be presented by Bureau Chief Larry
25 Ellsworth of the Learning Technology Resources Bureau.

1 MR. ELLSWORTH: Good afternoon. I appreciate the
2 opportunity to be here today to showcase our most recent
3 video coming out of the Learning Technology Resources
4 Bureau; and the video is on the subject of fentanyl. I
5 think most of us in the room know that fentanyl is a
6 synthetic opioid, estimated to be a hundred times more
7 powerful than heroin; and also, by some, believed to be
8 one of the root causes of the opioid crisis in America.

9 I mentioned that this is a short-form video. It's
10 one of our "Did You Know?" series. And our "Did You
11 Know?" series videos, to set the context of this for you,
12 is a short-form video, usually two to four minutes. And
13 it's important to understand also that they are not
14 designed to deliver training but, rather, designed to
15 cause our audience, our law-enforcement professionals, to
16 want to gain more information to learn more about this
17 topic.

18 Ultimately, our goal is to cause a visceral reaction
19 within that law-enforcement professional to seek further
20 guidance on the subject.

21 So with that in mind, I think I'd like to show that
22 to you now.

23 David?

24 Thank you.

25 [Video presentation: "Did You Know? Fentanyl"]

1 MR. ELLSWORTH: So as you saw at the end there, the
2 video gave a website address for further information; and
3 David has it on the screen for us as well. And that's
4 what we hope to do, is to drive our audience to seek
5 further information on this topic; in particular, for
6 this video, obviously.

7 I would also like to point out that the video was
8 created with a group of subject-matter experts from all
9 across the state: Department of Justice, Orange County
10 Crime Lab, several police agencies, sheriff's
11 departments; and, of course, Digital Outpost is our
12 contract provider for this; and they did a fantastic job
13 of putting this together.

14 And if anybody has any questions or comments, I
15 would love to hear them.

16 *(No response)*

17 MR. LOGGINS: Very well. Thank you, Larry.

18 MR. ELLSWORTH Thanks.

19 MR. LOGGINS: Moving on to the consent calendar,
20 Committee Members, you have before you the Commission
21 agenda for tomorrow. You've had an opportunity to review
22 the items and request presentations.

23 Committee members and a commissioner have requested
24 specific presentations on certain items; and POST staff
25 have identified items that we want to bring to your

1 interest as well.

2 The very first presentation that has been requested
3 by one of our commissioners is Item C.11, which is a
4 report on Principled Policing and Procedural Justice.
5 And that report will be presented by Bureau Chief
6 R.C. Smith from the Basic Training Bureau.

7 R.C. SMITH: Good afternoon.

8 This report was to provide the Commission with an
9 overview of the efforts and steps that the POST staff are
10 taking throughout our organization and different bureaus
11 to integrate Procedural Justice, police legitimacy, and
12 issues of Implicit Bias through all of our training.

13 The purpose of the -- obviously, the catalyst
14 of this was the 2015 President's Task Force on the
15 21st Century Policing, which emphasized the importance
16 of law-enforcement agencies adopting Procedural Justice
17 as a guiding principle for external and internal policies
18 and practices, to guide their interactions with
19 rank-and-file officers and with the citizens they serve.

20 POST has taken this guidance to heart; and the
21 report gives an overview of those efforts.

22 We've been working closely with the Attorney
23 General's office and with Stanford University in putting
24 together an eight-hour principled policing course.

25 Now, since I had the opportunity to put this report

1 together, just the time lag between finalizing the report
2 for the Commission and now, I actually have some updated
3 figures from when the report was written.

4 The eight-hour course that we've put together has
5 now had the opportunity to now be presented to a total
6 of 1,640 officers throughout the state. We have,
7 currently, 13 presenters certified to offer this course
8 with an additional five agencies that are in the
9 certification process.

10 The course is divided into five key modules.

11 The first module discusses the interactive nature
12 of legitimacy, Procedural Justice, and Implicit Bias.

13 Module 2 talks about expectations of the community
14 and legitimacy within the community.

15 Module 3 is basically, you know, getting into the
16 definition of what is Procedural Justice, why it's so
17 important.

18 4 is the historical and generational effects of
19 policing. Today's officers live through the legacy
20 of those that preceded us. And if you go back through
21 history, that history impacts the ability for officers
22 to interact with the argument today.

23 And then 5 digs into Implicit Bias itself and the
24 effects it has on officers in their decision-making
25 processes.

1 One of the things that has happened again since this
2 report was finalized, is that we have met with Stanford,
3 and specifically, Dr. Jennifer Eberhardt, whom we have
4 been working very closely with. And there's been
5 a concern as to the consistency of this portion. It's
6 a complex issue to get across to line officers. And
7 we've agreed to address that complexity by doing a series
8 of video segments of Dr. Eberhardt actually presenting
9 this; and those segments will be facilitated. So we have
10 the benefit of a facilitated classroom environment, but
11 with the consistency and expertise of Dr. Eberhardt as
12 kind of the anchor for that particular portion of the
13 course.

14 One of the challenges, of course, in presenting this
15 course has been to get a sufficient cadre of instructors.
16 So the 16-hour train-the-trainer course, now we've
17 actually had 221 students who have graduated from that,
18 and now are certified to teach this course. We have
19 four presenters who are currently presenting that 16-hour
20 course.

21 There's several components we have in support of
22 this particular course, the police legitimacy course.
23 One is the facilitator's assessment workshop; and this
24 is intended for instructors who will be delivering the
25 course, to just ensure that the material and the content

1 that we're building on, we're enabled to refine the
2 instructor's skills to present this in facilitating the
3 nuances of the curriculum. It is a difficult curriculum
4 to teach. And I wouldn't be honest if I said that there
5 isn't some resistance in the field to the nature of the
6 curriculum, and the challenges in overcoming that
7 resistance to gain understanding and buy-in as to the
8 importance and legitimacy of what we're trying to present
9 in the course.

10 We've also established a mentoring program to
11 provide training mentors available to the agencies who
12 can give one-on-one coaching and mentoring to the
13 department and their instructors, and assisting them.
14 Because there is a component in the course design to
15 allow agencies to integrate their own unique community
16 demographics and their own unique community challenges,
17 to provide that degree of customization for what that
18 particular agency needs to be most effective with their
19 community.

20 Stanford also has developed, and we are finalizing
21 a contract with them through Stanford's Social
22 Psychological Answers to Real-world Problems, known as
23 SPARQ, to support the expansion and dissemination of
24 their online policing racial bias toolkit. This toolkit
25 provides the principled policing presenters with the

1 necessary curriculum resources to improve the
2 instructor's ability to recognize, understand, and
3 achieve the course goals and outcomes. So, again, it's
4 just another element that we're doing to provide support
5 for the agencies that are rolling this out, support to
6 ensure that the courses are presented as most effectively
7 as possible.

8 I'm hoping that the Committee has had the
9 opportunity previously -- I believe it was shown at the
10 last meeting, the "Did You Know? Procedural Justice"
11 video, that's also -- it has been viewed on our
12 Web site -- well, as of the time of this report,
13 5,500 times. But more importantly, there's been
14 567 downloads. So what happens is, these are agencies
15 that are downloading it for internal use. And so we
16 really -- we don't have a good way of estimating how many
17 people have actually seen it; but with 567 downloads, we
18 know it's getting a tremendous amount of exposure.

19 One of the things that we're -- another initiative
20 that we are marrying up to the principled policing course
21 is integrating strategic verbal communication skills.
22 Many of you may have remembered the old, what used to
23 be called "verbal judo." And, now, we've had -- the next
24 generation, you know, what's now called "tactical
25 communications."

1 We're in the process of evolving to Verbal Judo 3.0,
2 I guess you might say, the next generation of that, and
3 expanding upon the foundation that verbal judo had in
4 looking at strategic communication skills and marrying
5 these concepts up with Procedural Justice, to ensure that
6 we're not only giving the concepts and the understanding,
7 but we're giving some of the specific tools that -- you
8 know, very direct communication tools to assist officers
9 in achieving the Procedural Justice goals.

10 Another step we're doing is looking at how can we
11 inoculate our new recruits with the concepts of
12 Procedural Justice, to give them these principles, to
13 carry with them into their law-enforcement careers.

14 Next month, we're having the second of a series of
15 workshops, with a number of both law-enforcement
16 subject-matter experts and different community
17 stakeholders, including the NAACP, ACLU, and LULAC, to
18 discuss how to best integrate the concepts of Principled
19 Justice throughout the learning domains in the Basic
20 Academy. So whether it be use of force, whether it be
21 domestic violence -- any one of the different topics
22 within the Basic Course -- how can we, like I said,
23 inoculate our new recruits to ensure that they have these
24 principles.

25 And then we're doing the same thing with the Field

1 Training Officer Program, because we know that their
2 inoculation is only as good as the booster shots, shall
3 we say, that follow.

4 And again, we know the importance of leadership.
5 So we -- for the supervisory course, they plan to bring
6 a workshop to do a similar, with the supervisory course
7 this coming spring. Again, how to integrate it into the
8 supervisory course.

9 We've also already identified and the course is
10 integrated into the Executive Development program now.
11 Jackie Gomez-Whiteley, who is former Chief of Police for
12 both the City of Cypress and Alhambra, has attended the
13 Principled Policing trainer's course, and is integrating
14 that in her portion in which she teaches in Executive
15 Development. It's also being taught in the ethics and
16 values portion within the context of the context of
17 fragility of trust. And that's being taught by Art
18 Cribbs, who is a long-time Executive Development course
19 instructor.

20 Lastly, we have also integrated the concept of
21 Procedural Justice into our management studies, through
22 our Management Counseling Bureau, recognizing that one
23 of the principles of Procedural Justice is that if an
24 organization is not demonstrating the principles of
25 Procedural Justice internally in how we deal with our

1 colleagues and our subordinates, then it's very
2 challenging to expect those officers to engage the public
3 with those same concepts.

4 So when looking at doing an organizational study,
5 the management studies they're looking at how the
6 concepts of Procedural Justice internally play out for
7 an organization as well.

8 That's the overview of the report; and I'd be happy
9 to entertain any questions or comments.

10 *(No response)*

11 MR. LOGGINS: Very well.

12 Thank you, R.C.

13 Our next report is Item C.5. It's a report on the
14 proposal to remove first-aid training from the POST Basic
15 Academy curriculum. And this will be provided by Senior
16 Consultant Julie Gorwood and Executive Director Maria
17 Sandoval.

18 MS. GORWOOD: Good afternoon.

19 In August, I was tasked with to conduct a study to
20 determine if requiring public safety, first-aid/CPR
21 training as a prerequisite to attending the Basic Academy
22 is feasible.

23 The study included a review of compliance with the
24 California Code of Regulations requirements; assessing
25 a potential modification to existing law and regulations

1 for a prerequisite approach, and an outline of the
2 consequences for both processes.

3 Based on my extensive research, I found that there
4 was no specific language in POST regulations or law that
5 would prohibit the removal of LD 34 from the Basic
6 Academy, and the potential of making it a prerequisite
7 or a post-graduation requirement.

8 The fire department currently has a prerequisite for
9 first-aid training to be completed before they enter the
10 fire academy, and post-graduation requirement would be
11 such as like jail operations are done now.

12 So current law requires peace officers to have
13 training in public safety first-aid, with a refresher
14 course every two years in accordance with the standards
15 prescribed by EMSA, which is the Emergency Medical
16 Services Authority.

17 The initial hourly training requirement is a minimum
18 of 21 hours of instruction and is currently taught in the
19 Basic Academy as Learning Domain Number 34. The Penal
20 Code, the Health and Safety Code, and the California Code
21 of Regulations all govern first-aid training for peace
22 officers, with EMSA as the overall authority to set
23 statewide medical standards.

24 In summary, the California Code of Regulations,
25 Title 22, requires regularly employed peace officers to

1 complete initial first-aid training of 21 hours within
2 the first year of initial employment or prior to
3 assumption of regular duty.

4 The Health and Safety Code states that the peace
5 officers shall meet the training standards for first-aid
6 training prescribed by EMSA and to complete the initial
7 training as soon as practical or within one year of
8 employment.

9 The Penal Code requires peace officers to meet the
10 training standards for first-aid training set by EMSA,
11 outlined in Title 22, and be completed as a course of
12 training leading to a Basic Certificate issued by the
13 Commission.

14 The removal of LD 34 from the Basic Course would
15 allow the existing 21 hours of minimum course content to
16 be replaced by essential training topics such as
17 Principled Policing and Deescalation Training and Rifle
18 Instruction.

19 Basic Training Bureau has been working to infuse
20 Principled Policing and Deescalation Training into
21 various existing learning domains; and through this
22 process, has arrived at the conclusion that there is a
23 compelling need to create a stand-alone learning domain
24 for this topic.

25 Staff has also identified a need to add Rifle

1 Instruction to LD 35, the Firearms course. POST recently
2 surveyed academies and agencies regarding the use of
3 patrol rifle, shotguns, and related training needs. Out
4 of the 221 respondents from agencies, 99 percent of the
5 responding agencies reported that they use patrol rifles.
6 85 percent said they use shotguns as well. 15 percent
7 have replaced their shotguns with less lethal. And the
8 same 15 percent have eliminated shotguns entirely.
9 90 percent of the responding academies stated that they
10 have received requests for rifle training; and a hundred
11 of those academies reported that the agencies in their
12 region use rifles in their patrol operations.

13 So POST is recommending the removal of LD 34 from
14 the Basic Course and require it to be an academy
15 prerequisite or post-academy training requirement,
16 replace the 21 hours of the minimum course content with
17 the new Learning Domain for Principled Policing/
18 Deescalation Training, and to add Rifle Instruction to
19 LD 35, Firearms.

20 If there's any questions that I can answer in
21 regards to this...?

22 *(No response)*

23 MR. LOGGINS: Very well.

24 Maria?

25 MS. SANDOVAL: We also ran this past CADA as well,

1 the Academy Directors Association; and they agree with us
2 in terms of the way that the medical profession is
3 changing in the EMSA rules, and then subsequent LEMSA
4 rules for different reasons in the state, it is becoming
5 very difficult to try and chase what they want us to do
6 next. So we decided, why not take ourselves out of the
7 medical business, have recruits come with or get training
8 after the fact; and therefore would add up another
9 21 hours to start doing the inoculation of Principled
10 Policing within the academy, at the very beginning.
11 So it makes sense.

12 The research -- Julie has done an outstanding job
13 with the research, and I think it's actually the way to
14 go, truly.

15 MR. LOGGINS: Very well.

16 Questions? Comments?

17 MEMBER MOORE: I don't believe that this is a good
18 way to go. What you're doing is you're taking a
19 requirement and you're placing it back on the individual
20 backs of the agencies to complete. At the same time,
21 you're cutting the ability to reimburse for trainings.
22 So this course, along with the courses you're talking
23 about for doing Principled Policing, is that now going
24 to be a non-reimbursable course, and are we going to be
25 required to provide it without any type of additional

1 cost savings?

2 The Basic Academy is just that; and I think it
3 should be the basics. And first-aid/CPR is one of the
4 basic things we do, especially in my county, where all
5 the west side of my county has no fire agency. We are
6 the first responders for every additional life-saving
7 issue on the west side of the county.

8 So to me, getting my recruit out of the academy that
9 already has that training in place is much more valuable
10 to me. If I'm going to do anything backwards, I would do
11 the Procedural Justice as part of my mini academy that
12 I already do for the additional trainings that are more
13 pursuant to my agencies. And I think that would be a
14 better process than eliminating the basics, upfront.

15 My two cents.

16 MR. LOGGINS: Very well. Thank you.

17 MEMBER GARNER: A quick question sort of in regard
18 to what Steve was saying.

19 In your discussion with the academy directors, did
20 you get a sense at all that there may be some desire to
21 make it a prerequisite to get in the police academy, that
22 they have that certificate?

23 MS. SANDOVAL: That's the optimal goal, is that,
24 like, for the first time, we're probably following Fire,
25 where Fire actually, prior to them coming into the

1 academy for the very first day, they have skin in the
2 game, and they show up with their CPR-certified EMT card.
3 So they actually show up with that before their very
4 first day of getting into the police academy.

5 We understand there's a lot of times when you have
6 a police academy, and at the last minute somebody falls
7 out, you have to hire somebody else, and they have, like,
8 two weeks to get their stuff and get into the academy.
9 So we understand that. But the Penal Code is very clear
10 where it says within the time period before they get
11 their Basic Certificate -- not the Basic Academy, but the
12 Basic Certificate -- it gives them time to get it if you
13 don't want to provide it.

14 There are several different locations throughout the
15 state that were first-aid and CPR training. And it seems
16 to me that it would just be a better use of time to have
17 them get their training either, one, ahead of time; or
18 if you want to provide that with them during -- after,
19 I should say -- maybe during jail ops or something else,
20 that's something that is an option.

21 However, it appears that we're constantly trying to
22 update and keep up with all of the first-aid and CPR
23 training; and it's become a monumental task for us. So
24 it was kind of thought about, kicked about, talked about
25 with CADA; and this seems to be the way to go at this

1 point.

2 MEMBER GARNER: Just a follow-up. I agree with
3 Steve in the sense that there might be a better way to do
4 it; but heaping it on the backs of agencies, especially
5 small- and medium-sized agencies is not a really good
6 idea.

7 But if we can make it a mandate, where the cadet has
8 to have it before you get in the academy or at least have
9 a conversation about that, that's something that doesn't
10 shift this burden onto agencies that are already dealing
11 with additional burdens with lack of funding, I agree.
12 I think we've got to think about a way of diverting that
13 cost well before it becomes an absolute mandate for the
14 agencies that may or may not have the resources to do
15 that.

16 MEMBER MOORE: The other problem is also, so what
17 you're telling me if I am fortunate enough to find the
18 one in 50 that can pass my background, I can't hire him
19 because he doesn't have a certificate to go to the
20 academy?

21 MS. SANDOVAL: I'm not telling you that.

22 MEMBER MOORE: Well, that's kind of what it sounds
23 like at this point. That's what I'm saying.

24 MS. SANDOVAL: Well, this is -- again, this is --

25 MEMBER MOORE: What are we doing here? If we're

1 trying to recruit and get people in the door, we should
2 be doing this in a manner that makes it as easy and
3 possible to the candidates that can pass a background.
4 Because we just did a physical agility test, and then
5 one of the candidates showed up; and when the sergeant
6 got next to him, he said, "Man, you've had quite a few";
7 and he said, "Oh, no, I just stopped drinking about
8 midnight." So we had him blow in a PAS device. He blew
9 a one-seven.

10 These are the kind of people coming in.

11 MEMBER GARNER: And he's a lieutenant now.

12 MEMBER MOORE: Yes.

13 But I'm saying, these are the kind of people we're
14 dealing with. So if I find somebody that I can hire, I
15 want to be able to hire him and not have to throw another
16 requirement on him to get into the academy. I want to be
17 able to put him in there and get him going.

18 And then if we can do it on the back side, you know,
19 to do it before we put them out on field training, I'd
20 rather go that route.

21 MS. SANDOVAL: And, again, this is informational.
22 This is not something that we're trying to bring forward.
23 We're trying to get some feedback.

24 And I've talked to a lot of the community colleges
25 who run their own academies, and they were for it in the

1 sense that, hey, if they want their people, if they
2 didn't get trained up-front, to come with their own card,
3 then we will give them, after the academy graduates, we
4 will provide another class beyond that to give them their
5 CPR training.

6 So that's in place -- everything would be in place;
7 it's just a matter of us getting to there. And maybe we
8 need to make it mandatory before you walk in, the first
9 day of the academy, you must be CPR trained.

10 MEMBER GARNER: I just think there has to be a
11 viable alternative that doesn't make the default the
12 agencies paying for it.

13 MS. SANDOVAL: Well, I agree with that.

14 MEMBER GARNER: We require every one of our
15 candidates to have a driver's license, but we don't pay
16 for their driver's training. They have to have it when
17 they come in.

18 MS. GORWOOD: To add on to that, I did a sampling
19 of other states' requirements, and there are three other
20 states that require first-aid and CPR training as a
21 prerequisite. So that was interesting to find out that
22 there were other states that actually made that as a part
23 of their check-off list before you entered the academy.

24 MEMBER GARNER: And I agree, there may be other
25 solutions; but I think that's one that is certainly worth

1 exploring. If we just make it mandatory, they know in
2 advance when they're filling out the application, they
3 have to have this. Then you know it's not going to fall
4 on the backs of the agencies that find out later, when
5 they do pass a background or where did you send them,
6 and, oh, by the way, they don't have a first-aid/CPR
7 certificate. You can't send them.

8 So if they know going in, they have to have it, then
9 you'll get a qualified person because they'll know that.
10 So, it's something to talk about.

11 MS. SANDOVAL: Exactly. And the other little caveat
12 that should be something to be thought about is, it's
13 incumbent upon the individual that they must be
14 CPR-certified trained before they get their Basic
15 Certificate. Now, they're working, and they're working
16 40 hours a week, they can go on the weekends to get their
17 training. And, again, it's incumbent upon them to get
18 that training prior to them getting their Basic
19 Certificate.

20 So it's something that we bring to you --

21 MEMBER GARNER: I think you'll get a lot of
22 kickback. Because we're making the requirement, we're
23 telling them, they have to have it. The PAM code of the
24 State of California tells them they have to have it, but
25 you've got to pay for it?

1 MEMBER MOORE: I think that would come under
2 disparate impact, especially in certain communities.

3 MS. SANDOVAL: And we've had, like I said,
4 conversations with community colleges who those
5 individuals who may have some hardships would be able to
6 just tack that on at the end -- or the beginning.

7 So, again, this is informational as we want to get
8 your opinion on things. Nothing obviously is set in
9 stone, and we're not bringing it to you, saying, this is
10 what we're pushing through right now. We're just trying
11 to getting some feedback from you guys as well.

12 MR. LOGGINS: Sheriff Moore, Chief, I wonder if I
13 could have some clarification because I've been living
14 with this for several years. This is the one discipline
15 that is a unique anomaly, the brunt of our curriculum is
16 driven by our constituents, our subject-matter experts.
17 This is the one anomaly that's driven by our sister
18 agency so we have no manner of control over what the
19 specific curriculum is.

20 The issue we have is, we have a limited amount of
21 time of 21 hours in order to provide that necessary
22 training. And with the current trends and enhancing
23 the level of medical training that a first responder is
24 going to have to have, the reality is, we're going to
25 have to put 30 pounds of weight into a 21-pound bag.

1 This is actually an opportunity -- this doesn't
2 preclude an academy from tacking it on as an elective,
3 no different than adding a day of canine deployment or
4 air support operations. This, in effect, could actually
5 give them the latitude. Because every one of our
6 academies, if I'm not mistaken, Maria, probably pushes
7 the envelope and goes 200, 250 hours beyond the 664
8 maximum.

9 MS. SANDOVAL: Easy.

10 MR. LOGGINS: And this will actually give them the
11 latitude, instead of simply teaching the mandatory
12 21 hours, when it preferably should be taught within a
13 40-hour time frame to maybe perhaps dedicate an entire
14 week of training, and it will keep them from being within
15 our prescribed constraints of having to teach it within
16 a 21-hour capacity.

17 The writing on the wall with some of these issues
18 is, it's going to be pretty soon when they're going to
19 be learning at some higher levels of standards of care,
20 whether it's epinephrine pens or things of that effect
21 that we'll be mandating. So this will actually give us
22 latitude to let our presenters present that in a format
23 that's not as compacted as 21 hours.

24 MEMBER MOORE: Well, you're going to see some
25 changes to it, I don't disagree. But I don't know that

1 throwing this one overboard, which is a real basic skill
2 that is very necessary, I would think there would be some
3 other things that we don't need as much of, that we might
4 want to toss over the time frames.

5 And then the other for me, even if we left the
6 numbers as they were, now, we're using the Modesto
7 Academy; and with that, they have less actual days
8 working. Now, they're doing the same number of hours,
9 but they have less actual days working. As an agency, I
10 would rather pay my staff, or my cadets at that point, to
11 take that training as part of the academy over and above
12 that, even if we had to pay for the coursework there; but
13 it's all being done within that six-month time frame,
14 even though they're working 10-hour days to get their
15 40 hours. That makes it much more easy for me,
16 especially once they get out of the academy, now I can
17 move right onto it.

18 And then when you're going to talk about rifle
19 training, rifle training is definitely something
20 everybody is going to or has; and a lot of agencies, as
21 you know, have dumped the shotguns in total but are now
22 using rifles. But even then, we have a certified course
23 for rifles, since we've had rifles for a long time. And
24 so ours is set up originally as a 40-hour course. And
25 that's what we utilize and when we do the mini academy,

1 we bring people out of the academy. Because the
2 current -- both academies, either Modesto and/or Delta
3 College, does not use a rifle course simply because they
4 don't have curriculum for it. And it's been an agreement
5 that we did with our local DSA, which seems to work out
6 very well for us.

7 And then this way, I know they're getting training
8 on the weapons specific that they're going to carry.
9 Different agencies may carry different long guns, you
10 know, depending upon what they use.

11 MR. LOGGINS: Very well.

12 EXECUTIVE DIRECTOR ALVAREZ: May I add a couple of
13 comments just to echo what Maria said? And also I
14 appreciate all the feedback and hopefully we can have a
15 good debate tomorrow as well about it.

16 But we brought it up initially in September at the
17 Academy Directors' meeting or consortium, as we call it.
18 And the response we got was similar when we started the
19 meeting; and by the end of the meeting, we had resounding
20 support to do it.

21 The initial reluctance, some of the reluctance --
22 some of the points you brought up today -- the cost,
23 that was brought up, "Wait a minute. We're trying to get
24 people in the door, and some come from families and such
25 that don't have a lot of money, and now you're going to

1 require them to come in with some other certificate
2 that's going to cost them money?"

3 So the short of it is, I think from the community
4 colleges, the way they described it to us, is, one,
5 they're probably going to have a separate first-aid/CPR
6 course, whether it's at the end, as soon as graduate --
7 they graduate on Friday, on Saturday they're going to
8 have a separate course, and they're going to get FTE
9 credits, I believe is what they call them, to pay for it,
10 so there will be minimal costs to the students.

11 One of the academies -- the college academies said,
12 "You know what? We're just going to do it right in the
13 middle of the police academy. It's going to be a whole
14 separate course for those that don't have that
15 certificate. They can sign up. And on Saturday and
16 Sunday, we'll take care of them, and boom, they're done,
17 and it's paid for."

18 One of the large -- LAPD specifically said, "Well,
19 are you still going to allow us to teach first-aid/CPR?"

20 I said, "Yes, if you want to."

21 And they said, "Oh, we're going to keep doing it
22 forever. We're just going to keep doing it. We're happy
23 to do it."

24 The flip side or the end part is, what happens when
25 you have somebody who graduates that doesn't have it,

1 and you're going to hire them, in San Joaquin County?
2 And we talked about that. And I would suspect that you
3 would say -- I would, if I were you -- "Do you have your
4 certificate because you start in a week? You'd better go
5 get your certificate before you start. You have a job,
6 you have an income coming. Go get your certificate."
7 And I would presume they would have it before they would
8 start.

9 Again, the burden would be on the student.

10 I know that policing it up may be on the department.
11 But that was our mindset. And knowing that it's worked
12 very well, at least for Fire -- at least we think it's
13 worked very well for Fire -- we thought we'd propose it.

14 MEMBER MOORE: Okay, and I understand that. And the
15 discussion is very necessary, and I think it's very
16 relevant.

17 My only concerns here are as my good friends at the
18 ACLU might develop that as a disparate impact on certain
19 portions of the community, where I'm now making them do
20 something, okay, in order to gain this employment when
21 the idea is, it's supposed to be open to everyone. And,
22 in fact, we go out of our way to recruit from certain
23 communities in order to try to be reflective of the
24 society that we represent. So I wouldn't want to limit
25 anything, I wouldn't want to put myself in a position

1 where I would be impacting that process.

2 And since it is a small amount of time for first-aid
3 and CPR, okay, if -- like I said, if the academies were
4 to adopt it to say they're going to do it in the middle,
5 they're going to do it as the first two days during
6 orientation; but then I see academies that are adding
7 this challenge process, where they want people to come
8 in and do physical agility challenges over and above what
9 is required. And then they tell me that the cadet is
10 not -- well, they want them to participate, but they're
11 not required to participate; and if they start and then
12 they stop, they wouldn't fail; well, if they've got time
13 to do a challenge, they've got time to do first-aid/CPR.

14 EXECUTIVE DIRECTOR ALVAREZ: Okay, we're challenged,
15 obviously. If we could keep it all in there, we would.
16 As many of you know, we've had a lot of pressure to get
17 Rifle training done over the course of time. Now, it
18 seems like there's a lot of certified courses and
19 presenters out there. But historically, we were paying
20 for it and people are traveling all over the state to get
21 Rifle training, and we were getting a lot of pushback
22 that cadets are graduating and they immediately have to
23 go back to a course.

24 The same goes for Procedural Justice and
25 Deescalation Training. That's a constant question that

1 we get: "Why are you doing that? Why are you doing it?"
2 And the response that we normally have is, "Where?" I
3 mean, we're only -- we only have money, at least, to
4 reimburse 664 hours. What do we pull out, to put it in?"
5 So it's a constant juggle.

6 Obviously, if we could keep first-aid/CPR in the
7 academies, maybe we would if we could do all of it. But
8 we're trying to, I guess, meet halfway.

9 MEMBER MOORE: And absolutely.

10 And then just one other thing that came to mind,
11 for food for thought; since we just had to go get
12 legislation to allow cadets to be able to have
13 high-capacity magazines for their duty weapons, if we're
14 going to now after, I think it's July -- June of next
15 year will be the issue on the AR possession. So how are
16 they going to be able to get around the high-cap
17 magazines and a possession of an AR while they're in the
18 academy and not under peace-officer status?

19 EXECUTIVE DIRECTOR ALVAREZ: Because I think the
20 Penal Code allows them to possess -- allows a citizen to
21 possess a long-barrel rifle. So they would try to --

22 MEMBER MOORE: A rifle, yes, sir. But under the
23 current definitions of the assault weapons ban, I think
24 you're going to have a problem. And the reason I know
25 that, we just had the bureau chief from Cal DOJ come to

1 my chief's counsel to speak on the requirements for
2 registration and other issues. So that may become an
3 issue in the future if we are going to require training,
4 and where are the weapons, and who has them, and when
5 they have them, and what they're required to do with
6 them, depending upon -- I mean, if they're given to the
7 cadet on the range, they shoot them and they put them
8 back, they never take them off campus, never do anything
9 else, we may be able to get by with that. But if there
10 is some requirement for them to take them apart, take
11 them home, or do anything else with them, we may have an
12 issue. Just a point.

13 MR. LOGGINS: Very well.

14 Any more comments? Questions?

15 *(No response)*

16 MR. LOGGINS: Perfect. Thank you, Julie. Thank
17 you, Maria.

18 Before we move forward to the regular agenda, does
19 any Committee member have a request to discuss any of the
20 other consent items?

21 *(No response)*

22 MR. LOGGINS: Very well.

23 Moving on to the regular agenda items, Committee
24 items have requested specific presentations on certain
25 items; and POST staff have also identified a couple of

1 items that are of particular interest.

2 Our first report from the regular agenda that has
3 been requested by the Committee is a report on the
4 proposed revisions to Commission Regulations 1001, 1005,
5 1008, Procedures D-10 and D-11, which talks about the
6 requal and Basic Course waiver requirements, which will
7 be provided by Research Supervisor Shelley Spilberg.

8 DR. SPILBERG: Good afternoon.

9 Over the past several years, the Commission has
10 spent quite a lot of time hearing appeals of the
11 requalification requirements; and a lot of that time has
12 been spent trying to interpret what those regulations
13 mean. Even POST staff have acknowledged that the
14 regulations are rather, shall we say, obtuse.

15 This agenda item involved a rewrite of those
16 requirements, with a goal that all readers would come
17 away with the same accurate interpretation as to their
18 intent.

19 I was chosen for this task for a couple of reasons,
20 besides my availability as a retired annuitant.

21 First, over my many years at POST, I've had
22 extensive experience writing and revising government
23 codes, POST regulations, guidance, and some such.

24 However, I had no prior experience with the area of
25 requalification. And, in fact, Assistant Director

1 Sandoval chose me, especially because of that reason,
2 that I couldn't rely on my prior knowledge when trying
3 to derive the meaning of those regulations.

4 To be honest, I really thought, when she gave me
5 this assignment, "This is going to be easy. I speak
6 regulatoryese." I was so wrong. I couldn't do it alone.

7 Fortunately, I had a lot of help from a number of
8 people, but most especially, I have to acknowledge the
9 help of my colleagues, Melani Singley and Jennifer
10 Imlay-Hardesty.

11 So in this addition, in addition to clarifying and
12 simplifying the wording, the regulations have also been
13 repackaged, so that all information on a given topic are
14 in one location. Specifically, the requalification
15 requirements, including Procedure D-10, are all in 1008,
16 Regulation 1008. And the Basic Course waiver
17 requirements, including Procedure D-11, are all located
18 now in Regulation 1005, Basic Training.

19 Note that this rewrite is editorial. There were
20 no substantive changes, with one exception. In this
21 revision, the authority for granting exemptions to the
22 requalification requirements rests solely with the POST
23 Executive Director. This will not only save time at
24 Commission meetings, but it is also consistent with the
25 intent of the exemption section of Regulation 1008.

1 This rewrite represents step 1 of the two-step
2 process.

3 In step 2, now that hopefully there's a common
4 understanding of the existing regulations, we're going
5 to look at whether those regulations need to be changed
6 substantively. That effort will involve not only POST
7 staff, yourselves, the Commission, and, of course,
8 stakeholders.

9 So I'd be happy to answer any questions or comments;
10 and if not, thanks for your time.

11 MR. LOGGINS: Comments? Questions?

12 *(No response)*

13 DR. SPILBERG: Thank you.

14 MR. LOGGINS: Very well. Thank you, Shelley.

15 With the approval of the chair, we are going to take
16 a five-minute break. So if everybody could return to the
17 meeting at five minutes before the hour, please.

18 Thank you.

19 *(Recess taken from 3:49 p.m. to 3:59 p.m.)*

20 COMMITTEE CHAIR WALTZ: Thank you.

21 We'll come back to order and resume our agenda.

22 MR. LOGGINS: Very well. Thank you very much,
23 Mr. Chair.

24 Thanks for coming back, everybody.

25 Before we move forward with the regular agenda

1 items, there has not been a request for Item F, which is
2 a report on the POST Administrative Manual revision.
3 But if anybody would like to have a presentation made,
4 done so, the staff member has to get running to attend to
5 other duties.

6 So would anybody like a presentation on Item F, the
7 revisions of the POST Administrative Manual?

8 MEMBER BANNING: That's probably going to be an
9 ongoing thing, anyway, with everything that may happen
10 tomorrow; yes?

11 MR. LOGGINS: It will be addressed tomorrow.

12 MEMBER GARNER: Okay, let them run.

13 MR. LOGGINS: Let them run. Very well. Thank you
14 very much.

15 Our next requested report is Item G, Report on
16 Proposed Changes to Regulation 1009, which is the Academy
17 Instructor Certificate Program. It will be presented by
18 Assistant Executive Director Maria Sandoval.

19 MS. SANDOVAL: Good afternoon, again.

20 The AICC course, which stands for the Basic -- what
21 does it stand for? -- Academy Instructor Certification
22 Program -- is a 40-hour class in which somebody has to
23 attend in order to teach at the Basic Police Academy.
24 What we have found, though, is, in that regulation, it
25 requires somebody, on a triennial basis, to receive

1 additional training, 24 hours of teaching, as well as
2 eight hours of unspecified professional development --
3 whatever that may mean.

4 If they fall out of that three-year, triennial
5 evaluation, then they have to go back through another
6 course, which is going to be one of the IDI courses, the
7 Development Instructor courses.

8 What we would like to do is take out that
9 requirement to just have a one-and-done, basically once
10 you've received the training, that you don't have to have
11 subsequent follow-up training after the fact. Very much
12 similar to the 1070 regulation, which is for firearms,
13 et cetera. So that's the -- in a nutshell.

14 Does anybody have any questions?

15 Why are you looking at me, Elmo?

16 MEMBER BANNING: Because you're just beautiful.

17 Wow, you don't hear that at POST committee meetings
18 too often. Just kidding.

19 MS. SANDOVAL: Okay, I'll leave now.

20 MR. LOGGINS: We'll count that as a win. Thank you
21 very much, Maria.

22 Our next requested report is Item H, Report on
23 Proposed Revisions to Regulation 1005, which is Attending
24 Supervisory and Management Courses, presented by Senior
25 Consultant Greg Kyritsis.

1 MR. KYRITSIS: Good afternoon, ladies and gentlemen.

2 In regards to the regulation, 1005, it deals
3 predominantly with the Supervisory Course and Management
4 Course, which is a requirement. And what we basically
5 are doing here is just modifying some of the wording. It
6 doesn't change the regulation.

7 And if I could just clarify it for you here, under
8 the Attachment A, it makes reference to "Every peace
9 officer promoted and appointed and transferred to a
10 first-level supervisory or management position shall
11 satisfactorily complete a certified supervisory
12 management course prior to promotion or within 12 months
13 after the initial promotion." That was the original
14 content.

15 And we were having some problems with, "Wait a
16 minute. What if I took it five years before I got
17 promoted?" And it's like, well, that doesn't cut it
18 because we want you to be current.

19 So what we did here is, we added additional
20 verbiage; and it basically states here, "shall
21 satisfactorily complete a certified supervisory or
22 management course either 12 months prior to promotion
23 with department-head approval, or within 12 months after
24 promotion."

25 And the reason we put the "with department-head

1 approval," we've had officers calling us and say, "Hey,
2 you know, I'm on the sergeant's list; and I'm probably
3 going to make it. I'd like to be able to take the
4 class."

5 I go, "Well, no problem; but just we need to have
6 your chief executive send us a letter requesting that."

7 "Well, I don't know if I can get that."

8 I go, "Well, sorry."

9 Because what a lot of them were trying to do is get
10 a heads-up as far as promotion goes because they're not
11 getting promoted. They might be on the list, and I'm
12 seeing the same thing with managers as well.

13 So we're saying, hey, you certainly -- you have the
14 right to do that if you get permission from your chief
15 or your sheriff. But that's the point.

16 Any questions?

17 MEMBER GARNER: Those sneaky little guys.

18 MEMBER BANNING: If you don't get the letter, you're
19 probably not going to get promoted; right?

20 MR. LOGGINS: No questions?

21 COMMITTEE VICE CHAIR SPAGNOLI: No.

22 MR. LOGGINS: Very well. Thank you, Greg.

23 MR. KYRITSIS: All right, thank you.

24 MR. LOGGINS: Our next requested report is
25 Item Number J -- letter J, Report on Amendment to the

1 Basic Course Test Management and Security Protocols. And
2 it will be presented by Associate Governmental Program
3 Analyst Jennifer Imlay-Hardesty.

4 MS. IMLAY-HARDESTY: Good afternoon.

5 As he stated, I'm Jennifer Hardesty. I'm in the
6 Standards Evaluation and Research Bureau here at POST.

7 And the item that I want to discuss with you today
8 centers around the use of body-worn cameras in a training
9 and testing environment.

10 We've had a lot of academies that have been
11 approached by either their agency or agencies who sponsor
12 recruits through their course, to have the course
13 attendees become familiarized with the use of the
14 body-worn cameras. So they want them to wear the cameras
15 during their tenure in the academy.

16 We don't have an issue with that. Our concerns
17 center around the testing environment. We have
18 confidential test material that we don't want to be
19 recorded in any sort of a format.

20 As presented to you by Andrew Mendonsa in the
21 February 22nd meeting, the IMPACT Team is going to be
22 conducting a futures study having to do with the
23 body-worn cameras being utilized in the training
24 environment, to determine the impact, if any, on
25 report-writing.

1 So I've worked with Andrew to ensure that these
2 revisions that I am presenting to the Commission will not
3 impact their study in the future and that their study
4 will not present an opportunity for confidential test
5 material to be compromised.

6 What we're requesting is that any cameras that are
7 capable of recording be removed prior to any
8 administration that would involve POST-developed
9 confidential test material.

10 So as it stands right now, that would be the
11 comprehensive tests and the scenario tests. So those
12 two test administrations, they would not be able to wear
13 the cameras.

14 Other changes that we're proposing, clarifying
15 information that they have to include in their test
16 security policy, and who is able to proctor a test.
17 So language that we have in place right now restricts
18 any instructor who teaches a Learning Domain evaluated
19 on a comprehensive test from proctoring any of the
20 comprehensive tests.

21 So an example would be if you're the LD 40 Weapons
22 Violations instructor, that LD is evaluated on the RBC
23 Test 3, which is the final test in that series. If
24 you're that instructor, you can't proctor any of those
25 three tests.

1 These changes would allow you, as that instructor,
2 to be the proctor for RBC Test 1, RBC Test 2, and/or the
3 LD 34 test. So we just want to give some of the
4 presenters more flexibility in who they're using as
5 proctors.

6 Any questions for me on that? Comments?

7 *(No response)*

8 MR. LOGGINS: Very well.

9 MS. IMLAY-HARDESTY: I appreciate your time. Thank
10 you.

11 MR. LOGGINS: Thank you, Jennifer.

12 Our next requested report is Item K. It's a report
13 on Proposed Changes to Peace Officer and Public Safety
14 Dispatcher Selection and Standards, presented by
15 Personnel Selection Consultant Melani Singley.

16 MS. SINGLEY: Good afternoon.

17 The proposed changes to the peace officer and public
18 safety dispatcher selection standards, many of the
19 changes are nonsubstantive. There is one proposed
20 regulation that is new. I just want to go over the
21 nonsubstantive changes that people might have questions
22 on.

23 One is to Commission Regulation 1954, which is Peace
24 Officer Medical Evaluation; 1955, which is Peace Officer
25 Psychological Evaluation; and 1960, which is Public

1 Safety Dispatcher Medical Evaluation. To those
2 particular regulations, we're really just changing
3 language to clarify the documentation requirements for
4 reporting suitability of candidates.

5 Currently, the report is called a "Medical
6 Evaluation Report," which has led departments to believe
7 it contains medical information when, in fact, it just
8 contains contact information of the physician or
9 psychologist, suitability declaration of the candidate,
10 as well as a declaration that the candidate was evaluated
11 in accordance with POST requirements. So we are changing
12 the title of that document, from "Medical Evaluation
13 Report" to "Medical or Psychological Suitability
14 Declaration." So that there's no change in the
15 requirements for the evaluation. It's just the title of
16 the form, to allow departments to clearly identify that
17 it's okay to include in the background file, which is
18 required, and that it's not a medical document that needs
19 to be held separately, in a confidential medical file.

20 Any questions on that one?

21 *(No response)*

22 MS. SINGLEY: Okay, the second clarifying regulation
23 change is with regard to the continuing professional
24 education requirement for screening psychologist. That
25 was implemented in September 2014, in conjunction with

1 the requirements of the Government Code 1031(f), which
2 requires POST to develop education and training
3 requirements for screening psychologists.

4 So we are just updating that regulation to remove
5 old, outdated references, date references that were
6 included in the regulation, when it was first implemented
7 in September 2014.

8 So the regulations themselves are not changing, just
9 the language to get rid of some old date references.

10 Lastly, the regulation that is new is for the Public
11 Safety Dispatcher Selection Requirements, 1956. This is
12 in conjunction with a change that was made per the
13 Commission request last July 2017, to allow peace
14 officers who are returning to the same department after
15 a voluntary separation of not more than 180 days, it
16 allows the departments the discretion as to whether or
17 not they want to follow POST requirements.

18 So keeping with our standard policy of making the
19 public safety dispatcher selection requirements
20 consistent with peace officer requirements, we are
21 proposing that we implement the same 180-day rule, if
22 you will, for the public safety dispatcher.

23 So if there's a public safety dispatcher that leaves
24 the department voluntarily and returns within 180 days,
25 that that department will have the discretion to either

POST Advisory Committee Meeting, October 25, 2017

1 follow POST's requirements or their own.

2 So that's what's new out of all these regulations.

3 The rest are not substantial changes, date changes, that
4 sort of thing.

5 Does anyone have any questions regarding that?

6 *(No response)*

7 MR. LOGGINS: Very well. Thank you, Melani.

8 MS. SINGLEY: Thank you.

9 MR. LOGGINS: Our final report is a report on
10 Item L. It is a report on the proposed changes to
11 Regulation 1011, which is Professional Certificate
12 Requirements for Supervisors and Managers. And this will
13 be provided by Bureau Chief Ralph Brown.

14 RALPH BROWN: I'm sorry, what was that?

15 MR. LOGGINS: I'll say that once again. That will
16 be provided by Bureau Chief Ralph Brown.

17 RALPH BROWN: What am I bringing up? I was
18 responding. I just got a photograph of my seven-year-old
19 grandson in his first Cub Scout uniform, so I'm all in
20 awe about that.

21 COMMITTEE VICE CHAIR SPAGNOLI: That's a big deal.

22 MR. LOGGINS: See, even the vice chair said it's a
23 big deal, so that's good.

24 RALPH BROWN: It's a big deal. Big deal. Papa's
25 little boy.

POST Advisory Committee Meeting, October 25, 2017

1 And, I'm sorry, I missed the topic?

2 MR. LOGGINS: 1011.

3 RALPH BROWN: Oh, okay, right.

4 MR. LOGGINS: Regulation 1011, Supervisory and
5 Management Certificates.

6 Do you want us to start over?

7 RALPH BROWN: Let me see, hold on.

8 MEMBER GARNER: No questions.

9 RALPH BROWN: So, in essence, what we had is a
10 couple of concerns from executive applicants who are
11 coming into California; and after their first year, they
12 want to apply for their executive certificate. So 1011
13 says you can do that; and then you can also complete the
14 executive course, and they receive that certificate.

15 On occasion, we'll get the applicant that says,
16 "Hey, I'd also like to get the Supervisory course
17 certificate and a Management certificate."

18 Well, the way the language is currently written,
19 the aforementioned, the Supervisory and Management
20 certificates require you to complete the course. That
21 makes sense.

22 For the version for the executive, there's a piece
23 of language in there that says "Also, if you complete the
24 executive course, then we'll give you, in essence, the
25 other ones if you want to apply for them." Well, the

1 problem with that is that we don't know what -- they
2 haven't completed those courses, so why would they
3 qualify for those certificates? So my recommendation is
4 just to strip that last piece of language out of there.
5 So that's what we're talking about. It's just changing
6 a piece of the regulation to remove that automatic
7 inclusion of Supervisory or Management certificates for
8 people that are coming in out of state.

9 MR. LOGGINS: Very well.

10 Any questions? Comments?

11 *(No response)*

12 MR. LOGGINS: All right, thank you very much, Ralph.

13 RALPH BROWN: Thanks.

14 MR. LOGGINS: Would any Committee members like a
15 presentation on any of the aforementioned items that have
16 not been requested prior to the meeting?

17 *(No response)*

18 MR. LOGGINS: Very well.

19 Mr. Chair, Madam Vice-Chair, that concludes the
20 review of the Commission agenda for the Committee's
21 consideration and any recommendation they may have for
22 tomorrow.

23 COMMITTEE CHAIR WALTZ: Can we make that
24 recommendation en masse, or do we need to go through each
25 item?

POST Advisory Committee Meeting, October 25, 2017

1 MR. LOGGINS: I believe protocol would be, you could
2 do it en masse; but I have a note that there are two
3 items that were of concern.

4 If I could refresh your recollection: The items
5 that were of concern to the Committee were the interim
6 chief agenda item, if I'm not mistaken, as well as the
7 first-aid/CPR certification.

8 So as a point of clarification, with the exception
9 of those two items, I believe, Mr. Chair, that the
10 Committee was in support of the remaining items.

11 Am I correct?

12 COMMITTEE CHAIR WALTZ: Yes. I have taken some
13 extensive notes on the discussion we had, and I will be
14 providing that to the Commission.

15 Thank you for those comments.

16 Do we have a motion to support the remainder of the
17 items, besides those two?

18 MEMBER BERNARD: Bernard. So moved.

19 MEMBER GARNER: Garner. Second.

20 COMMITTEE CHAIR WALTZ: Any discussion on supporting
21 the rest of the agenda?

22 *(No response)*

23 COMMITTEE CHAIR WALTZ: All in favor?

24 *(A chorus of "ayes" was heard.)*

25 COMMITTEE CHAIR WALTZ: Any opposed?

POST Advisory Committee Meeting, October 25, 2017

1 (No response)

2 COMMITTEE CHAIR WALTZ: Abstain?

3 That motion carries.

4 We will now move on to the Committee member reports.

5 And please start by saying your name and who you're
6 representing.

7 I'll start with Mr. Brunet.

8 MEMBER BRUNET: Mark Brunet from the Highway Patrol.
9 Nothing today.

10 MEMBER BERNARD: Alex Bernard, public member. No
11 report.

12 MEMBER BARON: Artin Baron, CCLEA. Nothing to
13 report.

14 MEMBER JAIME YOUNG: Jaime Young from Public Safety
15 Dispatch; and I do have a couple of items.

16 One would be the Dispatch Advisory Council is
17 currently going over the 120-hour course, which is a
18 mandate within the first year of newly hired employees,
19 and looking at the breakdown of courses, and their
20 relevancy to new hires versus whether or not old content
21 should be replaced by more relevant content.

22 Very similar to the discussion earlier about
23 preempting existing content and including the Procedural
24 Justice icons, I guess, or philosophy, and trying to fit
25 all of the new topics. And that's one example that we're

1 facing is to take 120 hours, and ensure that the students
2 are getting what they need that's contemporary, versus
3 what's already in the curriculum.

4 So we're going through that with the help of POST
5 staff.

6 And one of the ideas, I think, that will suit future
7 needs, as well as existing needs, is to modularize the
8 class, if that's a word, to break down job functions,
9 which we see in our line as being one of the issues that
10 is affecting retention.

11 Call-takers and dispatchers do completely separate
12 jobs. Radio dispatchers are different than call-takers
13 in a lot of big agencies. In smaller agencies, they do
14 the combined work. But we know that in the next five
15 years or so, with the inclusion of Next Generation 911
16 and technology implications, that these jobs will be more
17 comprehensive, they'll be more demanding, more complex.
18 And we're looking at trying to take an approach that will
19 allow call-takers to take a class without having the
20 influence of dispatch responsibilities in there, let them
21 go back to their home agencies, and do the requisite
22 in-service training; and then come back out and do
23 dispatch training for the remainder of the 120 hours.

24 So that's an approach that we're looking at.

25 It seems that it has some support behind it from the

1 council. So we're going to be looking at that through
2 the Best Practices Committee, and trying to see whether
3 or not there would be interest in incorporating that as
4 an option, as opposed to just having it one way or the
5 other, keeping the 120 hours consolidated.

6 Right now, there is an extended course format. So
7 looking at it on modular format might be in a larger
8 agency or middle agency's best interest.

9 In the Procedural Justice and Implicit Bias, I was
10 fortunate to be able to be one of two people in
11 dispatchland that took the Train-the-Trainer's course.
12 We are looking at trying to incorporate those principles
13 into also the basic 120-hour course, and then also
14 incorporating that into the CTO supervisory course, as
15 well as a new course that is under development that
16 hasn't been released yet, but a comm manager's course as
17 well.

18 So we're trying to make sure that we thread that,
19 the philosophy, through; and that will be rather new to
20 the dispatch environment.

21 And then last, Best Practices Subcommittee, we are
22 looking at a Train-the-Trainer for CIT, the mental-health
23 training for dispatchers. That isn't something that's
24 a consistent thread throughout the state. Various
25 applications and local applications make it inconsistent.

POST Advisory Committee Meeting, October 25, 2017

1 So we're looking at how to shore that up and then
2 releasing that as an eight-hour course.

3 And that concludes my report.

4 MR. LOGGINS: Very well. Thank you very much.

5 COMMITTEE CHAIR WALTZ: Thank you.

6 MEMBER BANNING: Elmo Banning, public member.

7 No comment.

8 MEMBER GARNER: Greg Garner, Cal Chiefs. No report.

9 MEMBER MOORE: Steve Moore, State Sheriffs. No
10 report that I know of.

11 COMMITTEE VICE CHAIR SPAGNOLI: Sandra Spagnoli,
12 CPOA. No report.

13 COMMITTEE CHAIR WALTZ: And Randy Waltz of CAPTO.
14 I also have no report.

15 Which brings us to Commissioner comments. I know
16 that we have several commissioners in the room.

17 Are there any who would like to make comment to the
18 Committee?

19 COMMISSIONER CHAPLIN: Good afternoon. Tom Chaplin.

20 Seeing as how Elmo left some time on the table, I
21 thought I would take a moment to, first off, let you
22 know I was intrigued at the robust conversation regarding
23 the proposed changes to the interim chief hiring. And
24 I had a couple comments that I wonder if could perhaps
25 assuage some of the concerns, especially brought forth by

1 Vice Chair Spagnoli.

2 And I offer these comments with a background of
3 having managed the California Department of Justice
4 Background Investigation Unit, managing another municipal
5 agency's hiring processes, as well as being a hiring
6 authority for my current agency, and knowing that all
7 backgrounds are not created equal. And with 330-some odd
8 law enforcement or municipal police agencies, I think the
9 concern might be relying on a background that was perhaps
10 not adequate to begin with.

11 And I wonder if there is a, perhaps, safeguarding
12 that background, or at least providing the new agency,
13 the agency that wants to hire the interim chief, with
14 at least the knowledge that POST has reviewed that
15 background, and it does in fact meet POST standards.

16 I know that the goal is to annually audit the
17 backgrounds; but I can tell you that sometimes there are
18 problems; and I'm not sure how briskly those problems
19 are fixed. So perhaps there is a way that there could
20 be an assurance that if someone is going to rely on that
21 background, first off, that they're mandated to read it.
22 Because as written, there is a notion that it will be
23 available for review, but it better be read; and that the
24 new hiring authority could go in with the understanding
25 that this is, in fact, POST-compliant. This is a

1 complete and thorough background.

2 So those are a couple comments I had after listening
3 to the discussion.

4 COMMITTEE CHAIR WALTZ: Thank you.

5 Does any member have a question of the Commissioner?

6 *(No comment)*

7 COMMITTEE CHAIR WALTZ: Thank you very much.

8 COMMISSIONER CHAPLIN: Thank you.

9 COMMITTEE CHAIR WALTZ: Do any other commissioners
10 have comments for the Committee?

11 *(No response)*

12 COMMITTEE CHAIR WALTZ: There's no Old Business on
13 the agenda.

14 Does anybody have any other items?

15 MR. LOGGINS: If I could indulge you, Mr. Chair, I
16 do have Old Business that I didn't notify you ahead of
17 time.

18 I'd just like to remind everybody that the
19 nomination period for both the "Bud" Hawkins Award and
20 the Training in Excellence awards is currently underway;
21 and deadlines are December 1st and 2nd, respectively.

22 We've already gotten several applications so far,
23 so we're delighted in getting at least a handful of
24 nominations. We'd like to see a few more so that we
25 could properly recognize the fabulous work that our

POST Advisory Committee Meeting, October 25, 2017

1 stakeholders do throughout California.

2 Thank you.

3 COMMITTEE CHAIR WALTZ: Thank you.

4 And just to comment, under Old Business, I know
5 Connie was getting photographs of our committee members
6 for the Web page. And there are a few of them missing,
7 and some of them are here.

8 MS PAOLI: We've got every one except one; and he is
9 not in attendance today, so we will do that next time.

10 COMMITTEE CHAIR WALTZ: Okay, thank you. That's
11 handled.

12 Any other New Business?

13 *(No response)*

14 COMMITTEE CHAIR WALTZ: And future meetings.

15 MR. LOGGINS: Very well, Mr. Chair.

16 Just a reminder of the next Commission meeting is
17 here in West Sacramento, in this building at 0930 in the
18 morning. It will be a full agenda, as you can expect.

19 And the next POST Advisory Committee meeting is
20 Wednesday, February 7th, 2018, 2:00 p.m., at The Westin
21 Hotel at the Los Angeles Airport.

22 Thank you.

23 COMMITTEE CHAIR WALTZ: Thank you.

24 Any other items before we adjourn?

25 *(No response)*

POST Advisory Committee Meeting, October 25, 2017

1 COMMITTEE CHAIR WALTZ: We are now adjourned to go
2 watch the Dodgers lose.

3 Thank you.

4 *(Gavel sounded.)*

5 *(The Advisory Committee meeting concluded*
6 *at 4:25 p.m.)*

7 

REPORTER'S CERTIFICATE

I hereby certify:

That the foregoing proceedings were duly reported by me at the time and place herein specified; and

That the proceedings were reported by me, a duly certified shorthand reporter and a disinterested person, and was thereafter transcribed into typewriting.

In witness whereof, I have hereunto set my hand on November 14th, 2017.

Daniel P. Feldhaus
California CSR #6949
Registered Diplomate Reporter
Certified Realtime Reporter